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# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

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सं० 27] नई दिल्ली, शनिवार, जुलाई 2, 1966/आषाढ़ 11, 1888  
No. 27] NEW DELHI, SATURDAY, JULY 2, 1966/ASADHA 11, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे निम्ने भारत के असाधारण राजपत्र 21 जून 1966 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 21st June, 1966:—

Issue No.	No. and Date	Issued by	Subject.
172	S.O. 1779, dated 9th June, 1966	Delimitation Commission	Delimitation of parliamentary and assembly constituencies in the State of Uttar Pradesh.
173	S.O. 1780, dated 10th June, 1966	Election Commission, India.	Order No. 16A.— Correction in the Delimitation Commission's Order No. 16, dated the 9th February, 1966 relating to the State of West Bengal.
174	S.O. 1781, dated 10th June, 1966	Ministry of Transport and Aviation	Appointment of certain persons to take over the management of the whole of the undertaking of the Jayanti Shipping Company Limited.
175	S.O. 1782, dated 11th June, 1966	Ministry of Information and Broadcasting	Approval of the film as specified therein.
176	S.O. 1783, dated 11th June, 1966 एस० ओ 1783 दिनांक 10 जून, 1966	Ministry of Education. शिक्षा मंत्रालय	The International copyright (First Amendment) Order 1966. अन्तराष्ट्रीय प्रतिलिप्यधिकार (प्रथम संशोधन) आदेश 1966
177	S.O. 1837, dated 14th June, 1966	Ministry of Commerce.	Declaring matches, Cycle tyres and tubes as essential commodities

Issue No.	No. and Date	Issued by	Subject
178	S.O. 1838, dated 15th June, 1966	Delimitation Commission	Delimitation Commission's proposals for the division of the Union Territory of Delhi into 7 Single-member parliamentary constituencies.
179	S.O. 1839, dated 15th June, 1966	Ministry of Information and Broadcasting	Approval of the film as specified therein.
180	S.O. 1840, dated 15th June, 1966.	Election Commission, India.	Appointment of Returning Officer and Assistant Returning Officers of the Parliamentary constituencies in the State of Orissa.
181	S.O. 1841, dated 15th June, 1966	Ministry of Commerce.	The State of Orissa. Amendments the Second Schedule of the India Tariff Act, 1934.
182	S.O. 1842, dated 16th June, 1966	Ministry of Food, Agriculture, Community Development and Cooperation.	Fixing the tariff values, for the articles specified in the Schedule therein.
183	S.O. 1843, dated 16th June, 1966	Ministry of Commerce.	The Imports (Control) Second Amendment Order. 1966.
184	S.O. 1844, dated 18th June, 1966.	Do.	Delegation of powers under the Essential Commodities Act, 1955 in relation to all commodities other than foodstuffs and fertilisers to a State Government or a Union territory.
185	S.O. 1845, dated 20th June, 1966	Do.	Recognition of the Indian Standard Institution Certification Mark with respect to organic chemicals.
186	S.O. 1846, dated 20th June, 1966.	Do.	Amendment in the notification No. S.O. 1273, dated 25th April, 1966.
	S.O. 1847, dated 20th June, 1966	Do.	Amendment in the notification No. S.O. 1274, dated 25th April, 1966.
187	S.O. 1848, dated 20th June, 1966	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to inorganic chemicals.
188	S.O. 1849, dated 20th June, 1966	Election Commission, India.	Order No. 16B— Correction in the Delimitation Commission's Order No. 16, dated 9th February, 1966 relating to the State of West Bengal.
189	S.O. 1850, dated 20th June, 1966	Ministry of Commerce	Authorising Shri C.D. Bhabha to take over the management of the Model Mills Nagpur Ltd., Nagpur.
	S.O. 1851, dated 20th June, 1966	Do.	Authorising Shri. C.D. Bhabha to take over the management of the Rai Saheb Rekh Chand Gopaldas Mohta Spinning and Weaving Mills Private Ltd., Akola.
190	S.O. 1929, dated 21st June, 1966	Do.	Amendment in the Directions published with the notification N.O. S.O. 82. dated 1st January, 1966.

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेजी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## भाग II-खण्ड 3-उपखण्ड (ii)

## PART II—Section 3—Sub-section (ii)

(रक्षामंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## MINISTRY OF LAW

(Department of Legal Affairs)

New Delhi, the 24th June 1966

S.O. 1941.—Whereas Shri Mohammed-bin-Erhama Al Thawwadi, a Bahrain national died at Hyderabad on the 8th May, 1964;

And whereas there appears to be none in India, other than the Administrator General, entitled to apply to a court of competent jurisdiction for letters of administration;

Now, therefore, in exercise of the powers conferred by sections 56 and 61 of the Administrators General Act, 1963 (45 of 1963), the Central Government hereby directs that the letters of administration of the estate of the deceased aforesaid shall, on the application made to competent court by a Consular Officer of British High Commission, Madras, be granted to such Consular Officer on such terms and conditions as the Court may, subject to the conditions specified in paragraph II of the rules contained in the notification of the Government of India in the Ministry of Law (Department of Legal Affairs) No. S.O. 96 dated the 30th December, 1965, deem fit to impose.

[No. F.14(1)/66-J.]

G. H. RAJADHYAKSHA, Addl. Secy.

## MINISTRY OF HOME AFFAIRS

New Delhi, the 22nd June 1966

S.O. 1942.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) Fifth Amendment Rules, 1966.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Orders and other Instruments) Rules, 1958, in clause (ad), after the words "or the Director of Administration", the words "or a Deputy Director of Administration" shall be inserted.

[No. 3/6/66-Pub. I.]

FATEH SINGH, Jt. Secy.

## MINISTRY OF FINANCE

(Department of Revenue & Insurance)

New Delhi, the 23rd June 1966

S.O. 1943.—In pursuance of sub-rule (2) of rule 126HH read with rule 126X of the Defence of India Rules, 1962, the Central Government hereby makes the following amendment to the notification of the Government of India in the

Ministry of Finance (Department of Revenue) No. F. 3/56/65-GC.II dated the 20th December, 1965, namely:—

In the said notification, for the figures, letters and words "30th day of June, 1966" the figures, letters and words "31st day of December, 1966" shall be substituted.

[No. F. 3/56/65-GC.II.]

JASJIT SINGH, Jt. Secy.

**(Department of Economic Affairs)**

*New Delhi, the 23rd June 1966*

**S.O. 1944.**—In exercise of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government nominates Shri V. Swaminathan, Under Secretary, Ministry of Finance, Department of Economic Affairs, in consultation with the State Bank of India, to be a director of the State Bank of Bikaner and Jaipur *vice* Shri R. K. Seshadri.

[No. F.14/22/66-SB.]

N. PARASURAMAN, Under S

## (Department of Economic Affairs)

New Delhi, the 24th June 1966

S.O. 1945 ---Statement of the Affairs of the Reserve Bank of India as on the 17th June, 1966

## BANKING DEPARTMENT

LIABILITIES	Rs.	Assets	Rs.
Capital Paid up	5,00,00,000	Notes	24,35,76,000
		Onepee Coin	3,75,000
Reserve Funds	50,00,00,000	Small Coin	4,44,000
National Agricultural Credit (Long Term Operations) Fund	100,00,00,000	Bills Purchased and Discounted:	
		(a) Internal	
		(b) External	
		(c) Government Treasury Bills	99,07,06,000
National Agricultural Credit (Stabilisation) Fund	10,00,00,000	Balances Held Abroad*	15,67,92,000
National Industrial Credit (Long Term Operations) Fund	15,00,00,000	Investments**	442,33,39,000
		Loans and Advances to ---	
		(i) Central Government	
		(ii) State Governments &	105,96,68,000

LIABILITIES	Rs.	ASSETS	Rs.
Deposits.—		Loans and Advances to :—	
(a) Government :—		(i) Scheduled Banks†	31,15,65,000
(i) Central Government	51,26,57,000	(ii) State Co-operative Banks††	123,65,27,000
(ii) State Governments	20,18,64,000	(iii) Others	2,24,39,000
(b) Banks :—		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(i) Scheduled Banks	125,32,18,000	(a) Loans and Advances to :—	
(ii) State Co-operative Banks	6,22,93,000	(i) State Governments	29,41,02,000
(iii) Other Banks	20,37,000	(ii) State Co-operative Banks	10,48,08,000
(c) Others	278,14,82,000	(iii) Central Land Mortgage Banks	..
Bills Payable	41,36,15,000	(b) Investment in Central Land Mortgage Bank Debentures	5,83,77,000
Other Liabilities	214,82,98,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
Rupees	947,82,64,000	Loans and Advances to State Co-operative Banks	2,16,55,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
		(a) Loans and Advances to the Development Bank	3,84,17,000
		(b) Investment in bonds/debentures issued by the Development Bank	..
		Other Assets	50,56,74,000
		Rupees	947,84,64,000

\*Includes Cash and Short-term Securities.

\*\*Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 30,36,00,000 advanced to scheduled banks against usance bills under section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 22nd day of June 1966.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 17th day of June 1966

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :-		
Notes in circulation	24 35.76 000		(a) Held in India	115,89,25,000	
	2939.71 18,000		(b) Held outside India	..	
Total Notes : sued		29,64,06,94,000	Foreign Securities	243,42 01,000	
			TOTAL		359 31 26,000
			Rupee Coin		81,84,09,000
			Government of India Rupee Securities		2522,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2964 06 94 000	TOTAL ASSETS		2964,06,94,000

Dated the 22nd day of June, 1966.

P. C. BHATTACHARYYA,  
Governor.

[No. F. 33/-BC/66]  
V. SWAMINATHAN, Under Secy.

## CENTRAL BOARD OF DIRECT TAXES

## INCOME-TAX

New Delhi, the 21st June 1966

**S.O. 1946.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column 1 of the Schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards or Districts specified in the corresponding entry in Column 2 thereof:

## SCHEDULE

Range	Income-tax Circles, Wards or Districts
(1)	(2)
'A' Range, Madras.	<ol style="list-style-type: none"> <li>1. Madras City Circle I.</li> <li>2. Madras City Circle V</li> <li>3. Madras City Circle VI</li> <li>4. Foreign Section, Madras.</li> <li>5. Estate Duty <i>cum</i> Income-tax Circle, Madras.</li> <li>6. Companies Circle I (all Sections), Madras.</li> <li>7. Companies Circle II (all Sections), Madras.</li> </ol>
'B' Range, Madras.	<ol style="list-style-type: none"> <li>1. City Circle II (all Sections), Madras.</li> <li>2. Salaries Circle, Madras.</li> <li>3. Salaries Circle I, Madras.</li> <li>4. Salaries Circle II, Madras.</li> <li>5. Special Survey Circle (all Sections), Madras.</li> <li>6. Special Investigation Circle 'A', Madras.</li> <li>7. Special Investigation Circle 'B', Madras.</li> <li>8. Tax Recovery Circle, Madras.</li> <li>9. Central Circles I, II, III, IV, V, VI and VII, Madras.</li> <li>10. City Circle VII (all Sections), Madras.</li> </ol>
Salem	<ol style="list-style-type: none"> <li>1. Salem Circle.</li> <li>2. Circle I, Salem.</li> <li>3. Circle II, Salem.</li> <li>4. Vellore Circle.</li> <li>5. Kancheepuram Circle.</li> <li>6. Madras City Circle III.</li> <li>7. Madras City Circle IV.</li> <li>8. Erode Circle (all Sections).</li> </ol>
Tiruchirapalli	<ol style="list-style-type: none"> <li>1. Tiruchirapalli Circle.</li> <li>2. Pudukottai Circle (all Sections).</li> <li>3. Dindigul Circle (all Sections).</li> <li>4. Thanjavur Circle (all Sections).</li> <li>5. Estate Duty <i>cum</i> Income-tax Circle, Thanjavur.</li> <li>6. Nagapattinam Circle (all Sections).</li> <li>7. Cuddalore Circle (all Sections).</li> <li>8. Pondicherry Circle (all Sections).</li> <li>9. City Circle I (all Sections), Tiruchirapalli.</li> <li>10. Company Circle, Tiruchirapalli.</li> </ol>
Madurai.	<ol style="list-style-type: none"> <li>1. Madurai Circle.</li> <li>2. Special Survey Circle, Madurai.</li> <li>3. Estate Duty <i>cum</i> Income-tax Circle, Madurai.</li> <li>4. Karaikudi Circle (all Sections).</li> <li>5. Virudhunagar Circle.</li> <li>6. Tuticorin Circle.</li> <li>7. Tirunelveli Circle.</li> <li>8. Nagercoil Circle.</li> </ol>



(1)

(2)

Coimbatore

1. Coimbatore Circle.
2. Special Survey Circle, Coimbatore.
3. Special Investigation Circle, Coimbatore.
4. Coimbatore Circle I.
5. Coimbatore Circle II.
6. City Circle I (all Sections), Coimbatore.
7. City Circle II (all Sections), Coimbatore.
8. Central Circles I & II, Coimbatore.
9. Companies Circles I, II and III, Coimbatore.
10. Salary Circle, Coimbatore.
11. Estate Duty *cum* Income-tax Circle, Coimbatore.
12. Ootacamund Circle (all Sections).
13. Pollachi Circle (all Sections).
14. Tiruppur Circle.
15. Excess Profit Tax Circles, Coimbatore and Erode.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

*Explanatory Note*

The amendments have become necessary on account of creation of new Circles and re-organisation of the circles.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 61 (F. No. 50/123/66-ITJ.)

T. N. PANDEY, Under Secy.

**MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION**

(Department of Agriculture)

New Delhi, the 23rd June 1966

**S.O. 1947.**—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Agriculture, No. SRO 634-A dated the 28th February, 1957, namely:—

In the Schedule to the said notification,—

- (1) in Part I-General Central Service Class III, after the existing entries, the following heading and entries shall be inserted, namely:—

1	2	3	4	5
“Office of the Pre-Investment Survey of Forest Resources				
Posts in the Offices of Zonal Coordinators and Senior Inventory and Photo-interpretation Officer, the maximum of the scale of pay of which exceeds Rs. 300/- p. m.	Chief Executive.	Chief Executive Officer	All	Director, Pre-investment Survey of Forest Resources.

1	2	3	4	5
All posts in the Office of Chief Executive Officer	Do.	Do.	All	Director, Pre-investment Survey of Forest Resources.
Posts in the Office of Zonal Coordinators, the maximum of the scale of pay of which does not exceed Rs. 300/- p.m.	Zonal Coordinator concerned	Zonal Coordinator concerned.	All	Do.
Posts in the Office of Senior Inventory and Photo-interpretation Officer.	Senior Inventory and Photo interpretation Officer.	Senior Inventory and Photo interpretation Officer.	All	Do.

(2) in Part II, General Central Service, Class IV, after the existing entries, the following heading and entries shall be inserted, namely:—

1	2	3	4	5
<i>"Pre-investment Survey of Forest Resources.</i>				
All Posts in the Office of the Chief Executive Officer.	Chief Executive Officer.	Chief Executive Officer.	All	Director, Pre-investment Survey of Forest Resources.
All posts in the Office of the Zonal Coordinators.	Zonal Coordinator concerned	Zonal Coordinator concerned.	All	Do.
All posts in the Office of the Senior Inventory and Photo-interpretation Officer.	Senior Inventory and Photo-interpretation Officer.	Senior Inventory and Photo-interpretation Officer.	All	Do. "

[No. F. 28-11/65-FD.]

S. N. TULSIANI, Under Secy.

## MINISTRY OF EDUCATION

New Delhi, the 22nd June 1966

In the matter of the Charitable Endowments Act 1890

AND

In the matter of the National Foundation for Teachers' Welfare.

S.O. 1948.—In pursuance of paragraph 3 of Schedule B to the Notification of the Government of India in the Ministry of Education No. S.O. 1955 dated the 25th June 1962 and in modification of the Notification of the Government of India in the Ministry of Education No. S.O. 2304 dated the 24th July 1964, the appointment of Shri S. P. Mahna, Deputy Secretary to the Govt. of India, Ministry of Finance, New Delhi, as member of the General Committee for the National Foundation for Teachers' Welfare retrospectively with effect from 1st February 1966 in the vacancy caused by the death of Shri Prem Narain, is hereby notified.

[No. F. 8/34/66-N.S.4.]

P. D. SHUKLA,  
Joint Educational Adviser.

**MINISTRY OF TRANSPORT & AVIATION****(Department of Transport, Shipping and Tourism)***New Delhi, the 20th June 1966*

**S.O. 1949.**—In pursuance of sub-clause (b) of clause 2 of the Imported Tourist Cars (Control) Order, 1961 and in supersession of the Notification of the Government of India in the Late Ministry of Transport and Communications (Department of Transport) No. S.O. 351 dated the 28th January, 1961, the Central Government hereby appoints Shri J. N. Goyal, Director General and Joint Secretary, Department of Tourism, Ministry of Transport and Aviation, Government of India, to be the Controller of Imported Tourist Cars for the purposes of the said Order.

[No. 4-TTA-I(58)/65.]

NAGENDRA SINGH, Secy.

**MINISTRY OF PETROLEUM & CHEMICALS***New Delhi, the 6th June 1966*

**S.O. 1950.**—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 1223, dated 23rd April, 1966 under sub-section (i) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Govt. declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas, the Competent Authority has, under sub-section (i) of Section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by Sub-section (4) of that Section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of publication of this declaration in the free from all encumbrances.

**SCHEDULE**

State—West Bengal	Dist.—Burdwan	Thana—Memari
Village	Survey Nos. (Plot Nos.)	Extent (Area)
DADPUR JL. No. 44	446	·01
	481	·14
	482	·03
	486	·04
	487	·01
	496	·20
	499	·02

[No. 31(33)/63-ONG-/OR Vol-13.]

V. P. AGARWAL, Under Secy.

**MINISTRY OF HEALTH AND FAMILY PLANNING***New Delhi, the 22nd June 1966*

**S.O. 1951.**—Whereas Dr. T. N. Chawla, BDS, LDS, RCS., M.S., FICD, Professor and Head of the Department, Dental College and Hospital, Lucknow, has been elected by the members of the Court of the Lucknow University under clause (d) of section 3 of the Dentists Act, 1948 (16 of 1948) to be a member of the Dental Council of India with effect from the 15th May, 1966;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that Dr. T. N. Chawla, who is a member of the Dental Council of India constituted under the notification of the Government of India in the Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962 and appearing against serial No. 2 shall, having been re-elected under clause (d) of section 3 of the said Act, continue to be the member of the Dental Council of India for a further period of five years with effect from the 15th May, 1966, or until his successor is elected, whichever is longer.

[No. F.3-5/66-MPT.]

**S.O. 1952.**—Whereas Dr. George Patnaik, L.D. Sc. (Cal), P. Gr.D (North Western, U.S.A.), F.I.C.D. (U.S.A.), Honorary Dental Surgeon and Head of Department of Dentistry, S. C. B. Medical College, Cuttack, has been renominated under clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948) by the Government of Orissa to represent that State on the Dental Council of India with effect from the 15th June, 1966;

Now, therefore, in pursuance of the provisions of section 3 of the Dentists Act, 1948, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 3-2/62-MII, dated the 17th October 1962, namely:—

In the said notification, under the heading "Nominated under clause (e) of section 3", for the entry against serial No. 13, the following entry shall be substituted namely:—

"Dr. George Patnaik,  
L.D. Sc. (Cal), P.Gr.D (North Western, U.S.A.),  
F.I.C.D. (U.S.A.)  
Honorary Dental Surgeon and Head of  
the Department of Dentistry, S. C. B.  
Medical College, Cuttack."

[No. F. 3-5/66-MPT.]

P. C. ARORA, Under Secy.

*New Delhi, the 25th June 1966*

**S.O. 1953.**—The following draft of rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act 1940 (23 of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th September, 1966.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:—

**DRAFT RULES**

1. **Short title.**—These Rules may be called the Drugs and Cosmetics (Amendment) Rules, 1966.

2. In the Drugs and Cosmetics Rules, 1945, in Schedule J, for the existing entries, the following entries shall be substituted, namely:—

1. Appendicitis
2. Arteriosclerosis
3. Blindness
4. Blood poisoning
5. Bright's disease

6. Cancer
7. Cataract
8. Deafness
9. Diabetes
10. Diseases and disorders of the optical system
11. Diseases and disorders of the brain
12. Diseases and disorders of the uterus
13. Disorders of menstrual flow.
14. Disorders of the nervous system
15. Disorders of the prostatic gland
16. Dropsy
17. Epilepsy
18. Female diseases (in general)
19. Fevers (in general)
20. Fits
21. Form and structure of the female bust
22. Gall stones, kidney stones and bladder stones.
23. Gangrene
24. Glaucoma
25. Goitre
26. Heart diseases
27. High or low blood pressure
28. Hydrocele
29. Hysteria
30. Infantile paralysis
31. Insanity
32. Leprosy
33. Leucoderma
34. Lockjaw
35. Locomotor Ataxia
36. Lupus
37. Nervous debility
38. Obesity
39. Paralysis
40. Plague
41. Pleurisy
42. Pneumonia
43. Rheumatism
44. Ruptures
45. Sexual impotence
46. Smallpox
47. Stature of persons
48. Sterility in women
49. Trachoma
50. Tuberculosis
51. Tumours
52. Typhoid fever
53. Ulcers of the gastro-intestinal tract
54. Venereal diseases, (including syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma).

[No. F. 1-13/65-D.]

AMAR NATH VARMA, Under Secy.

## MINISTRY OF COMMERCE

*New Delhi, the 22nd June 1966*

**S.O. 1954.**—In exercise of the powers conferred by sub-clause (i) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby makes the following further amendment in the notification of Government of India in the late Ministry of Commerce and Industry, No. S.R.O. 1317 dated the 9th June, 1956, namely:—

In the said notification,—

(1) after paragraph 2, the following shall be inserted, namely:—

“2A. No bale of cloth shall weight more than 204 Kilograms (450 lbs.) gross:

Provided that the Textile Commissioner may by order and for reasons to be recorded in writing, permit cloth to be packed in bales exceeding the said weight.”;

(ii) in paragraph 3,—

(a) in sub-paragraph A, for the words, figures and abbreviations “Bales up to 500 lbs. gross weight” the words, figures and abbreviations “Bales up to 204 Kilograms (450 lbs.) gross weight” shall be substituted;

(b) in sub-paragraph B, for the words, figures and abbreviations “Bales over 500 lbs. gross weight”, the words, figures and abbreviations “Bales over 204 Kilograms (450 lbs.) gross weight” shall be substituted.

[No. F. 29(9)-TEX(A)/66.]

## CORRIGENDUM

*New Delhi, the 17th June 1966*

**S.O. 1955.**—In the Order of the Ministry of Commerce No. 3156, dated the 6th October, 1965, published in the Gazette of India Extraordinary, Part II—Section 3—Sub-section (ii), dated the 6th October, 1965, at pages 1011 and in the Order of the said Ministry No. S.O. 3712, dated the 29th October, 1965, published in the Gazette of India Extraordinary, dated the 29th October at pages 1069, for “India United Mills” read “India United Mills, Limited”.

[No. F.2(5)Tex(B)/65.]

DAULAT RAM, Under Secy.

## TRADE AND MERCHANDISE MARKS

*New Delhi, the 23rd June 1966*

**S.O. 1956.**—In exercise of the powers conferred by section 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby makes the following amendments to the Notification of the Government of India in the late Ministry of Commerce and Industry No. S.O. 2937 dated the 20th September, 1962, namely:—

In the said Notification,

(1) notes 1 and 2 in paragraph V shall be omitted.

(2) after paragraph V, the following paragraphs shall be inserted, namely:—

“VI. A trade description of deniers applied to man-made fibre—

(i) in the case of viscose, cuprammonium and acetate fibre—

(a) of 1.5 denier or more, the declared or stamped denier shall not be greater or less than the actual denier by more than 10 per cent, and

(b) of less than 1.5 denier, the declared or stamped denier shall not be greater or less than the actual denier by more than 15 per cent;

## (ii) in the case of polyamide fibre—

- (a) of 2.5 denier or more, the declared or stamped denier shall not be greater or less than the actual denier by more than 10 per cent; and
- (b) of less than 2.5 denier, the declared or stamped denier shall not be greater or less than the actual denier by more than 15 per cent;

## (iii) in the case of polyester fibre—

- (a) of 1.5 denier or less, the declared or stamped denier shall not be greater or less than the actual denier by more than 15 per cent; and
- (b) of more than 1.5 denier, the declared or stamped denier shall not be greater or less than the actual denier by more than 10 per cent.

## VII. A trade description of deniers applied to man-made fibre filament yarn—

## (i) in the case of viscose, acetate and cuprammonium yarn—

- (a) with 600 or less turns per metre the average denier of the consignment shall not be greater or less than the stamped denier by more than—
  - (i) 3 per cent, if the stamped denier is 180 or more;
  - (ii) 4 per cent, if the stamped denier is 108 or more;
  - (iii) 5 per cent, if the stamped denier is less than 108; and
- (b) the actual denier of any individual hank or cone or cake in one bundle shall not be greater or less than the stamped denier by more than—
  - (i) 6 per cent, if the stamped denier is 180 or more;
  - (ii) 7 per cent, if the stamped denier is 108 or more;
  - (iii) 8 per cent, if the stamped denier is less than 108;

## (ii) in the case of polyamide yarn—

- (a) with 300 or less turns per metre the average denier of the consignment shall not be greater or less than the stamped denier by more than—
  - (i) 5 per cent, if the stamped denier is 50 or more;
  - (ii) 7 per cent, if the stamped denier is less than 50 but is 20 or more; and
  - (iii) 8 per cent, if the stamped denier is less than 20; and
- (b) the actual denier of each individual hank or cone or cake in one bundle shall not be greater or less than the stamped denier by more than—
  - (i) 7.5 per cent, if the stamped denier is 50 or more;
  - (ii) 10.5 per cent, if the stamped denier is less than 50 but is 20 or more; and
  - (iii) 12 per cent, if the stamped denier is less than 20;

## (iii) in the case of polyester yarn—

- (a) with 650 or less turns per metre the average denier of the consignment shall not be greater or less than the stamped denier by more than—
  - (i) 5 per cent, if the stamped denier is more than 75;
  - (ii) 7.5 per cent, if the stamped denier is 75 or less but more than 50;
  - (iii) 10 per cent, if the stamped denier is 50 or less but more than 20;
  - (iv) 15 per cent, if the stamped denier is 20 or less;

(b) the actual denier of each individual hank or cone or cake in one bundle shall not be greater or less than the stamped denier by more than—

- (i) 7.5 per cent, if the stamped denier is more than 75;
- (ii) 11.25 per cent, if the stamped denier is 75 or less but more than 50;
- (iii) 15 per cent, if the stamped denier is 50 or less but more than 20;
- (iv) 22.5 per cent, if the stamped denier is 20 or less;

VIII. A trade description of count or weight applied to man-made fibre, filament and spun yarn—

- (i) in the case of a bundle of spun yarn, whether single or plied, the average count shall not be greater or less than the declared or stamped count by more than 5 per cent;
- (ii) the declared or stamped weight shall not be greater or less than the actual weight by more than 1 per cent.

IX. A trade description of width of man-made fibre spun and filament yarn piece goods—

in pieces, the stamped width shall not be greater or less than the actual width at any point by more than 3 per cent, provided that the average width of the pieces in question is equal to or exceeds 98 per cent of the stamped width.

X. A trade description of length of man-made fibre spun and filament yarn piece goods—

- (i) in pieces stamped as of length 10 metres and below, the stamped length shall not be greater or less than the actual length by more than 2 per cent, and
- (ii) in pieces stamped as of length above 10 metres, the stamped length shall not be greater or less than the actual length by more than 1 per cent.

XI. A trade description of number applied to woollen (including shoddy) yarn and worsted yarn—

- (i) in the case of woollen yarn, the described number shall not be greater or less than the actual number by more than—
  - (a) 10 per cent, if it is coarser than number 3;
  - (b) 7.5 per cent, if it is number 3 or coarser than number 6;
  - (c) 5 per cent, if it is number 6 or finer;
  - (d) 5 per cent, if it is plied yarn; and
- (ii) in the case of worsted yarn, the described number shall not be greater or less than the actual number by more than—
  - (a) 4.5 per cent, if it is single yarn coarser than number 26;
  - (b) 4 per cent, if it is single yarn number 26 or finer;
  - (c) 5.5 per cent, if it is plied.

NOTE.—The number applied to woollen (including shoddy) yarn and worsted yarn means "Number of kilometer hanks per kilogram".

XII. A trade description of width stamped on worsted, woollen and shoddy piecegoods—

- (i) in pieces of worsted fabrics the stamped width shall not be greater or less than the actual width provided that the variation in width at any point is not more than 2 per cent and on an average not more than 1.5 per cent;
- (ii) in pieces of woollen and shoddy piecegoods, the stamped width shall not be greater or less than the actual width provided that the variation in width at any point is not more than 3 per cent and on an average not more than 2 per cent.



- XIII. A trade description of length on worsted, woollen and shoddy piece goods the actual length of the pieces shall not be less than the stamped length.
- XIV. A trade description of length and width on woollen (including shoddy) and worsted fabricated items like blankets, shawls, scarves or other articles of a similar kind—
- (i) the actual length shall not be less than the stamped length by more than 1 per cent; and
  - (ii) the permissible limits of variation in respect of trade descriptions of width shall be as those prescribed in Sub-clause (i) above for the corresponding piece goods.

NOTE.—Two-fold cotton sewing or cotton darning thread other than such thread in the shape of skeins and balls or on cords, reels and paper tubes shall be considered as cotton yarn.

[No. 3(2)-Com (Genl) (TM)/63.]

M. L. GUPTA, Under Secy.

New Delhi, the 24th June 1966

S.O. 1957.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Cotton Textiles (Control) Order, 1948, namely:—

1. This order may be called the Cotton Textiles (Control) Fifth Amendment Order, 1966.

2. In the Cotton Textiles (Control) Order, 1948,—

(1) for sub-clause (g) of clause 3, the following shall be substituted:—

“(g) “Processor” means a person other than a producer having both wet processing and mechanical equipments and engaged in any ancillary process subsequent to the production of cloth or yarn such as dyeing, bleaching, mercerising, embroidering, printing, raising, cloth embossing or finishing, by the use of power [as defined in clause (g) of section 2 of the Factories Act, 1948 (63 of 1948)] or by the use of steam generated by a boiler [as defined in clause (b) of section 2 of the Indian Boiler's Act, 1923 (5 of 1923)] and the expression “process” and its grammatical variants shall be construed accordingly.”.

(2) in sub-clause (2) of clause 23, for paragraph (ii) and the Explanation thereunder, the following shall be substituted, namely:—

“(ii) Any cloth unless he has previously sent to the Textile Commissioner a sample of such cloth of the dimension of 15 cm by 15 cm together with true and accurate information in such forms and in such manner as may be prescribed by the Textile Commissioner in this behalf about the manufacturing particulars thereof, and, where the maximum ex-factory price has been specified under paragraph (a) of sub-clause (1) of clause 22 or where the principles on which and the manner in which such maximum prices may be determined have been specified under paragraph (aa) of that sub-clause, about the manner in which the same has been calculated.

Explanation.—Nothing in this sub-clause applies to cloth produced by a producer who has no spinning plant or to cloth sold for export under a valid export licence or to handloom cloth”.

[No. F.1(4)-Tex(I)/65.]

A. G. V. SUBRAHMANYAM, Under Secy.

## MINISTRY OF MINES AND METALS

New Delhi, the 21st May 1966

S.O. 1958.—Whereas by the notification of the Government of India in the late Ministry of Steel & Mines (Department of Mines and Metals) S.O. No. 2934 dated the 20th August, 1964 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in the localities specified in the Schedule appended to that notification and reproduce in the Schedule appended hereto;

And whereas in respect of the said land no notices under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 20th August, 1966 as the period within which the Central Government may give notice of its intention to acquire the whole or any part of the said lands or of any rights in or over such lands.

## SCHEDULE

## RANIGUNJ BLOCK—I

Drg. No. Rev/40/64  
Dated 27-4-1964

(showing lands notified for prospecting)

Sl. No.	Village	Police Station	Village No.	District	Area	Remarks
1	Napara . . . . .	Barabani	40	Burdwan		Part
2	Jayramdanga . . . . .	"	41	"		Part
3	Bhaskajuri . . . . .	"	42	"		Full
4	Majiyara . . . . .	"	43	"		Part
5	Bhanowara . . . . .	"	44	"		Part
6	Barabani . . . . .	"	45	"		Part
7	Barapukhuri . . . . .	Asansol	12	"		Part
8	Garparira . . . . .	"	13	"		Full
9	Uttar Dhadka . . . . .	"	14	"		Part
10	Kalla . . . . .	"	16	"		Part
Total area :—2008.56 acres (approximately)						
OR 813.47 hectares (approximately)						

## BOUNDARY DESCRIPTION:

- A-B Line passes through villages Napara, Jayramdanga, again through village Napara of P.S. Barabani and meets at Point 'B'.
- B-C Line passes along the part eastern boundary of village Chinchuriya, through Village Majiyara of P.S. Barabani and through villages Bara Pukhuriya, Uttar Dhadka and Kalla of P.S. Asansol and meets at point 'C'.
- C-D Line passes through village Kalla of P.S. Asansol and meets at point 'D'.
- D-E Line passes through village Kalla of P.S. Asansol and meets at point 'E'.
- E-F Line passes along part common boundary of village Garparira of P.S. Asansol and village Majiyara of P.S. Barabani, through villages Majiyara, Bhanowara of P.S. Barabani and meets at point 'F'.
- F-A Line passes through villages Bhanowara, Barabani, Jayramdanga, again through village Barabani, and through village Napara of P.S. Barabani and meets at point 'A'.

[No. C2-24(5)/63.]

RAM SAHAY, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

## ORDERS

*New Delhi, the 21st June 1966*

**S.O. 1959.**—In pursuance of the Directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Second Schedule annexed hereto in all their language versions to be of the description specified against each in column 6 of the said Second Schedule.

## THE FIRST SCHEDULE

(1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

## THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Maharashtra News No. 168 (Hindi and Marathi).	294·44 M	Director of Publicity Govt. of Maharashtra, Bombay.		Film dealing with news and current events (For release in Maharashtra Circuit only).
2	Kartabgar Stuyali (Marathi).	302 M	Director of Publicity Govt. of Maharashtra, Bombay.		Film intended for educational purposes (For release in Maharashtra Circuit only).

[No. F. 24/1/66-FP (App. 1106).]

**S.O. 1960.**—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Films Advisory Board, Bombay hereby approved the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

## THE FIRST SCHEDULE

(1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

## THE SECOND SCHEDULE

S. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film
1	2	3	4	5	6
1	Gram Rakshak Dal	321 M	Director of Information, Government of Gujarat, Ahmedabad.		Film intended for educational pur- poses (For release in Gujarat Circuit only).

[No. F.24/1/66-FP (App. 1105).]

S. PADMANABHAN, Under Secy.

## MINISTRY OF LABOUR, EMPLOYMENT &amp; REHABILITATION

(Department of Labour and Employment)

New Delhi, the 21st June 1966

**S.O. 1961.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma Colliery, P.O. Kotma Colliery, Madhya Pradesh and their workmen, which was received by the Central Government on the 14th June, 1966.

## ARBITRATION

## AWARD

In the matter of

Associated Cement Companies Limited, Kotma

AND

Their Workmen represented by the Kotma Colliery Mazdoor Sangh.

Pursuant to an agreement between the parties dated 19-6-1964 referring the matters contained therein to the arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', Churchgate Reclamation, Bombay.

## PRESENT:

Mr. F. Jeejeebhoy, Barrister-at-Law, Arbitrator

For the employers: Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil, and Mr. M. S. Kapoor.

For the workmen: Mr. K. B. Chougule, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

## AWARD

Whereas by an agreement between the Associated Cement Companies Limited, Kotma on the one hand and their workmen represented by the Kotma Colliery Mazdoor Sangh on the other, certain disputes pending between them, which had been referred by the Central Government to the adjudication of the Central Government Industrial Tribunal at Bombay, were withdrawn and referred to the arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', Churchgate Reclamation, Bombay-1;

And whereas the parties had agreed that the decision of the said arbitrator shall be binding on them;

And whereas the said agreement which was made under section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India of 11th July 1964 being S.O. No. 2442 at pages 2899 and 2900 with the annexures thereto;

And whereas the hearing of the said arbitration has been partly completed;

Now therefore, I, the said Mr. F. Jeejeebhoy, Barrister-at-Law, as such Arbitrator do hereby make the following awards in terms of the agreement of Reference relating to the items hereinafter specified, namely: (a) Item No. 1 of Annexure 'A' as appearing on page 2900 relating to notification S.O. 84; (b) Item No. 8 as appearing on page 2900 relating to notification No. S.O. 639, but limited to individual items Nos. 1, 2, 3, 10, 11, 12, 13, 16, 18, 19 & 20. Each page of the award has been signed by me and all corrections initialled. Pages 1 to 25.

Signed at Bombay, this 8 day of June 1966.

(Sd.) F. JEEJEEBHoy, Arbitrator.

#### Issue No. 1

1. Whether the members of the time office staff listed in Annexure A were required to work all the seven days in the week from January 1956 to the 20th August 1960; and if so, whether they are entitled to get any extra wages for this period?
2. Whether the Office Peons listed in Annexure B were required to work all the seven days in the week during the period from 26th May, 1956 to the 20th August 1960; and if so, whether they are entitled to get any extra wages for this period?
3. Whether the watchmen listed in Annexure C were required to work all the seven days in the week during the period 26th May, 1956 to the 20th August 1960; and if so, whether they are entitled to get any extra wages for this period?
4. Whether Shri Pathank, Clerk and Shri Bisaswar Prasad, Issuer of the Magazine Department, were required to work all the seven days in the week during the period 26th May, 1956 to the 20th August 1960; and if so, whether they are entitled to get any extra wages for this period?

#### ANNEXURE 'A'

Shri C. R. Dasgupta	.	.	.	.	.	.	Clerk	Time Office
Shri R. N. Bose	.	.	.	.	.	.	"	"
Shri S. N. Chakraborty	.	.	.	.	.	.	"	"
Shri D. K. Rai	.	.	.	.	.	.	"	"
Shri B. K. Mishra	.	.	.	.	.	.	"	"
Shri T. N. Mitra	.	.	.	.	.	.	"	"
Shri Bholaram Gupta	.	.	.	.	.	.	"	"
Shri A. B. Singh (Sr.)	.	.	.	.	.	.	"	"
Shri L. R. Dasgupta	.	.	.	.	.	.	"	"
Shri Than Singh	.	.	.	.	.	.	"	"
Shri R. K. Som	.	.	.	.	.	.	"	"
Shri Khare	.	.	.	.	.	.	"	"
Shri Gaffur	.	.	.	.	.	.	Issuer	"

#### ANNEXURE 'B'

Shri Jaibhan Singh	.	.	.	.	.	.	Peon	Time Office
Shri Jagatharain Singh	.	.	.	.	.	.	"	"
Shri M. K. Verghese	.	.	.	.	.	.	"	"
Shri Tok Singh	.	.	.	.	.	.	"	"
Shri Dalpratap Singh	.	.	.	.	.	.	"	"
Shri V. Kuttan	.	.	.	.	.	.	"	Main Office
Shri Indrapal Singh	.	.	.	.	.	.	"	"
Shri Jainath Singh	.	.	.	.	.	.	"	"

## ANNEXURE 'C'

	Token No.	
Shri Hyat Singh . . . . .	434	Watchman
Shri Ayodhya Pd. . . . .	435	"
Shri Bhagwan Das . . . . .	436	"
Shri Budhse Pd. . . . .	437	"
Shri Jhabar Singh . . . . .	438	"
Shri Lalman Pandey . . . . .	439	"
Shri Mangal Singh . . . . .	440	"
Shri Nain Singh . . . . .	441	"
Shri Pardeshi . . . . .	442	"
Shri Parasnath . . . . .	443	"
Shri Ram Singh . . . . .	444	"
Shri Rameshwar Singh . . . . .	445	"
Shri Ramrasile Sharma . . . . .	446	"
Shri Ram Biswas Pandey . . . . .	447	"
Shri Surajpal Singh . . . . .	448	"
Shri Shew Pd. . . . .	449	"
Shri Shankar Singh . . . . .	450	"
Shri Samerjeet Singh . . . . .	451	"
Shri Surajdeen . . . . .	452	"
Shri Taj Mohd. . . . .	453	"
Shri Tekchand . . . . .	454	"

The issues raised in this reference to me relate to Kotma Colliery.

2. On October 18, 1957 (Ex. 27C) It was intimated by the Manager of the Kotma Colliery to the employees concerned that it had been decided in consultation with the executive head that those workmen and office peons who worked for 7 days would receive a basic salary of Rs. 32/- per month; those of the Office Peons and Watchmen who worked for 6 days a week would be paid a basic salary of Rs. 28/- per month. A copy of this intimation was sent to Nowrozabad Colliery, and both the collieries acted accordingly. I have already dealt with an issue of this character in respect of Nowrozabad Colliery, and the principles therein stated would apply to the issue No. 1 now before me.

3. Issue (a) of Issue No. 1: I award as follows:

The following persons in Annexure 'A' of Issue No. 1 shall be paid the following sums of money by the company in full satisfaction of the claims made under this sub-issue (a):—

Shri C. R. Das Gupta . . . . .	Rs. 340/-
Shri R. N. Bose . . . . .	Rs. 225/-
Shri S. N. Chakravarti . . . . .	Rs. 125/-
Shri D. K. Rai . . . . .	Rs. 333/-
Shri R. K. Som . . . . .	Rs. 75/-
Shri Khare . . . . .	Rs. 400/-

The rest in the list are not entitled to any relief because 3 clerks namely A. B. Singh, N. R. Das Gupta and Than Singh were appointed on or after 31st August 1960. Re: the remaining 3 clerks B. K. Mishra was a mining apprentice up to 31-8-1960; T. N. Mitra came to the Time Office only in August 1960, and B. R. Gupta was a teacher up to October 1959.

4. As regards Annexure (b) and (c) (Peons and Watchmen), I hold that they are not entitled to succeed in the claims which they have made, for reasons analogous to those stated by me in Issue No. 1(d) of the Nowrozabad Colliery arbitration under arbitration agreement dated 19th June 1964.

5. As regards Issue (d) of Issue No. 1, I suggest an *ex-gratia* solatium of Rs. 400/- to Shri Pathak and Rs. 100/- to Shri Bisaswar Prasad in full satisfaction of the claims made by them.

The rest of the claims fail.

Issue No. 8

Item 1, 2 and 3: Shri Sheo Bahoran, Shri Dwarka Prasad and Shri Ramgarib—

The three workmen by name Shri Sheo Bahoran, Shri Dwarka Prasad and Shri Ram Garib were chargesheeted under three separate charges dated 14-6-62 and being numbered 7155, 7156 and 7157. The charge sheet for Ramgarib 7157 was as follows:—

It has been reported as under: On 14-6-62 while you were on duty in the first shift Shri Dwivedi, Mining Sirdar, allotted you and the other miners work in 50 Rise—upon this you refused to work there and desired a machine cut face. Shri Dwivedi expressed his inability to comply with your request due to nonavailability of the machine cut faces. Thereafter Shri Dwivedi left for his routine work. You and the other miners did not do the work in the allotted face. After some time you met Shri Dwivedi at 44 Rise and requested him to come to 50 Rise to show the actual place of the working. Shri Dwivedi along with Shri Sheo Balak, Shotfirer, accompanied you to 50 Rise and asked you to work in that face. Thereupon you picked up a quarrel with him, abused him and further, you and Shri Dwarka Prasad T. No. 1356, caught hold of his person and your co-worker, Shri Sheo Bahoran, gave a slap on the Mining Sirdar's head.

This appears to be a breach of standing order Nos. 16(1), 16(5) & 16(19) for which you may be suspended/dismissed/fined, if the charge is proved."

The charges as to the other two 7155 and 7156 are to the effect that

"On 14-6-62 while you were on duty in the first shift Shri Dwivedi, Mining Sirdar accompanied by Shri Sheo Balak, Shotfirer, came to No. 50 Rise, and was showing the working face to Shri Ram Garib, Miner, you along with other miners (Shri Ram Garib and Dwarka Prasad) picked up a quarrel with Shri Dwivedi, Mining Sirdar. Shri Dwarka Prasad and Shri Ram Garib caught hold of the person of the Mining Sirdar and at that time you gave a slap on the head of Shri Dwivedi."

In effect the charge of picking up a quarrel with Shri Dwivedi, Mining Sirdar, was common to all the three. The assault consisted of Dwarka Prasad and Ram Garib catching hold of the person of the Mining Sirdar and of Sheo Bahoran giving Dwivedi a slap to the head while he was so caught by the other two.

An enquiry was held by Shri Somariwalla of the company and the proceedings have been recorded with care. The Enquiring Officer found as follows:—

1. I hold that all the three workmen concerned in this enquiry were given definite orders by the Mining Sirdar to go and work in 20 level of 50 Rise and they did refuse to carry out these reasonable and lawful orders. In coming to this conclusion amongst other evidence, there is a very positive evidence of Shri Charkoo, Timber Mistry, a witness on behalf of the three chargesheeted workmen, to the effect that roof conditions in 20 level of 50 Rise were not bad and people could work there. Further, the Mining Sirdar is a responsible person, and is also a competent person under the Coal Mines Regulations, and as such I am not prepared to believe that he would ask any workman to work in unsafe conditions. To me it appears that the workmen concerned wanted to work at a machine cut face as hand cutting coal is an arduous work to perform. The three charge-sheeted workmen are, therefore, guilty of misconduct as defined under Standing Order No. 16(1).
2. I am satisfied that the three workmen did pick up a quarrel with the Mining Sirdar and assaulted him whilst the latter was discharging his statutory duties.
3. Since the three workmen concerned in this enquiry have interfered in the proper discharge of the Mining Sirdar's duties and have fought with him as well as behaved with him violently, they have breached regulations 38(1)(b) and 38(4) of the Coal Mines Regulations.

The Enquiring Officer recommended that the three workmen charge-sheeted should be dismissed. The manager of the colliery took the view that all the three workmen should be dismissed from service, and that the papers be put up to the Agent for his approval under Standing Order No. 17. The Agent accorded his approval to their dismissal. The three workmen in their separate written statements denied the charges.

On behalf of the workmen it was contended by Shri Chougule that the spot at which the workmen were asked to work had never been worked before and was not working for 2 months after the incident. On this point there is evidence of Shri Charkoo, Timberman, a witness for the charged workmen, who was working in the colliery for the previous 12 years. "On the day of the incident I was working on the surface arranging timber to be sent into the mine for timbering purpose. On the day previous to the incident I was getting the roof of 50 Rise face dressed. This roof was in very bad condition. On that day I had seen Ram Garib and other Miners working in 20 level of 50 Rise. The face where I was getting roof dressed was in the vicinity of 20 level and so I had told Shri Ramgarib that as far as possible he should ask the Sirdar and get other working spot. This I said from the safety point of view. That day Shri Ramgarib did not approach any one to get another spot for work for himself and other Miners who were working with him. He continued working there. "To the Enquiring Officer he said that on the day on which he was attending to the roof of 50 Rise, he visited 20 level of 50 Rise. The condition of the roof there was good and people could work there. On the previous day he had told Ramgarib to go to another spot after telling the Sirdar because the level in which Ramgarib and other Miners were working was near the 50 Rise face and the road to that level was by the side of the face. The working of the Miners was a source of disturbance in his work and therefore he asked Ramgarib to get another spot and he did this also from the point of view of safety. The work on 20 level of 50 Rise was not going on at the time he gave evidence. He does not know why the work has been stopped.

It appears that these three workmen had a grievance that they were not being given machine cut work, and when they found the Sirdar in a comparatively detached spot they closed in on him for the assault. Even if the slap did not land on the Mining Sirdar's head, as urged by Mr. Chougule, there was none the less abuse and assault and threat of further harm. The Mining Sirdar is a person who has been invested with authority and discretion and he is entitled to protection against such unseemly behaviour. It is a matter of discipline. The Sirdar was unable to give them any machine face work, and there is no evidence that there was machine face work which could be given to these workmen. It is said that if there was an assault all the three were not responsible. The evidence points to some joint action by the three against the Mining Sirdar, who had to run away to escape injury. Even if it was true that machine cut work was available, of which there is no evidence, that was no excuse for assaulting the Mining Sirdar.

The findings of the Enquiring Officer are well based on the evidence. I have no reason to think that they do not flow from the evidence, and I perceive no infirmity in the Enquiry. During the hearing before me several allegations were made calculated to cast doubt on the authenticity of the Record, but they failed. It was urged that the workmen were not allowed to have a representative to help them at the enquiry. It seems to be a practice of this concern to allow a charge-sheeted workman to be aided at the enquiry by a person chosen from his own department, provided the latter is not an office bearer of the Union. But these charge-sheeted men insisted on having some other person and this was not allowed; and it cannot be said that the Enquiring Officer was in error thereby. The Enquiry has been fair and the punishment, in my opinion, is not excessive in the circumstances of the case.

I hold that the dismissals are justified and no relief is indicated.

*Item No. 10: Shri Shankar Roy—*

This employee of the concern Shri Shankar Roy was a hospital dresser at Kotma Colliery. The charge sheet stated that he was in the habit of disobeying the reasonable and lawful orders of his departmental head, i.e. Medical Officer, and had been suspended in the past for a period of 4 days, as well as warned. On 15th June 1962 the Medical Officer asked him to do dressing on an onychia on the thumb of Smt. Kam Mathi, wife of Mangal, and he disobeyed this instruction and refused to do the dressing.

2. In answer to this charge sheet the respondent stated that he had been serving at Kotma Colliery since 1957 and had never been chargesheeted or suspended during the period of Dr. Pathi and Dr. Nivasarkar; that even the existing Medical Officer had no grievance against him, but for the last two months had started harassing him for reasons not known. He says that he was never unwilling to perform his duties, but simply refused to dress female patients which in his opinion should be done by the female dressers; that in the past he had never dressed any female patients and therefore he disobeyed the instructions of the departmental head. This statement was manifestly untrue but he adhered to it.



3. A full and careful enquiry was held by Mr. J. D. Sumariwalla whose report is dated 5th August 1962. That report sets out the position in detail. The Enquiring Officer states that the respondent in his own statement had admitted before him that for a long time he had been attending to female patients, but he has said that while doing this 'he was obliged to the Doctor and the company'; this was contrary to the statement of the respondent in his explanation i.e. Ex. III where he had stated that in the past he had never dressed any female patients, and up to that stage that position appeared to be his main defence. In fact the respondent's own witness had deposed that he had been in the past attending to the dressing of female patients, those cases which were sent to him by the Doctor.

4. In this connection it is necessary to add that the female patient sent to the respondent on 15-6-62 required a dressing on her thumb, and the respondent had refused to attend the work although directed by his Medical Officer to do so.

5. It is astounding that a dresser should have declined to dress the injury of female patients, specially in this case where only the thumb was involved; and if that is true (and it has not been denied) then the respondent's utility as a dresser ceases. Normally the dresser would be unworthy of his duties if he refused to attend to anybody whose injuries he was required to dress. This point of view naturally occurred to the enquiring officer who in the middle of the enquiry enquired from the respondent whether he was even then willing to attend to female patients sent to him as he had been doing in the past and as the other dressers had also been doing; the Enquiring Officer was told by the respondent that he was not willing to attend to any female patient irrespective of what part of the body was to be attended to.

6. When the respondent gave evidence before me I asked him:

Q. 1. Is it or is it not a part of your normal duty to attend the female patients and do the dressing as was required to be done?

A. I have been doing it all the time.

Q. 2. Then why did you not tell the Enquiring Officer that you were always willing to do so when you were questioned by him?

A. I told him so.

7. I am unable to accept this answer. The necessary application had been made to the Bombay Tribunal for approval of the dismissal order; and before the respondent filed his written statement in the proceedings dated 28-2-1963 he had received a full copy of the proceedings before the Enquiring Officer. According to the respondent he told the union that what the Enquiring Officer had recorded as above was incorrect and that he had taken objection to it, but he did not say so in the statement which he filed before the Bombay Tribunal. The respondent admits that the proceedings before the Enquiring Officer had been signed by him on every page and at the end of every statement.

8. I hold that the termination of service of the respondent was justified. No relief is possible. It is only before me that he has said that he is willing to carry out the normal duties of a dresser in respect of women patients, but I cannot put back the clock without detriment to other legitimate interests. Shri Shankar Roy was given from the first every opportunity to do the right thing but he refused to do so, and he must take the unfortunate consequences. He is not entitled to any relief.

*Item No. 11: Shri D. N. Mishra—*

The claim of the union in respect of this item No. 11 Shri D. N. Mishra, is shortly this:—Under the settlement of 23-2-62 it was agreed that all the workers who reported for duty within 30 days of the re-opening of the mine would be allowed to resume duty. The mine was re-opened on 28-2-62 after a prolonged strike and lock out of about 4½ months; Shri Mishra complains that though reported for duty within the stipulated period he was refused employment; even otherwise under the terms of the agreement he had reported for duty within the prescribed period and as such the refusal to employ him was unjustified.

2. As against this the company states that Shri Mishra did not report for duty within 30 days of the resumption of work in terms of the clause 5 of the agreement dated 23-2-62. He reported for duty on 31-3-62, and as this was not in conformity with clause 5 of the memorandum of settlement he was treated as having lost his lien on the job.

3. The terms of the settlement are clear. The mine re-opened on 28-2-62 and the company ensured full employment by 9-3-62, for which a programme was drawn up. It was agreed that any workman who failed to report for duty within 10 days of the resumption of work would lose his lien on the job, unless he reported for duty within 30 days with a satisfactory explanation for his absence beyond 10 days. Mishra says that he returned on 29-3-62 and reported for duty next morning and that he had not been informed of the terms of the agreement; he says that he was not a striker and he returned on the last day allowed. The company says he was one day late.

4. Mishra had gone on leave on 6-12-61 for 15 days. He had asked for 20 days extension which was not refused. Then he asked for another extension, and ultimately he asked for an additional one month's leave which was refused, and that was on 2-2-62. On 4-2-62 he wrote pressing for extension; by the letter of 12/14th February 1962 the company informed him that he should present himself for duty when the mine re-opened; but the date of reopening was not given. On 19-2-62 Mishra wrote to the company asking when the work was going to be resumed and said: "I shall be at Kotma on 8-3-62" (Ex. 9 KC) and he repeated it in his letter Ex. 10 KC dated 1-3-62. His next letter is dated 3-4-62 in which he said that he had arrived in the evening of 30th March at Kotma; he gave a medical certificate of a Doctor of Kanchapara (near Calcutta) dated 28-3-62 Ex. 15KL.

5. It is true that the delay was of one day, but in these matters one has to construe the agreement and standing orders with strict regard to what they say. Exceptions on merely benevolent grounds have to be avoided for obvious reasons.

6. No question of *mala fide* on the part of the Company arises. In fact the union has stated in its letter of 3-4-62 that Mishra had returned on 29-3-62 and on 30-3-62 had submitted his joining report with a medical certificate; the union's dates are obviously incorrect and its letter is contradicted by letter Ex. 11 KC of Mishra himself. (copy attached).

7. In my opinion the employee was bound to report by 9th March 62 at the latest, which means that he was to be in a position to start his work on the 9th March. 30 days period expired on 29th March, and admittedly the workman arrived in Kotma in the evening of 30th March (Ex. 11 KC) and presented himself for duty on 31st March. 30 days ended on 29th March because the day for resuming work was 29th February, and he had no satisfactory reason for his delay except this medical certificate which by itself does not carry conviction. Except for his letter of 1st March 1962 saying that he would be reporting for duty on 8th March 1962 he had sent no other letter till he sent the one to the company on the morning of 31st March 1962.

8. The medical certificate Ex. 15KL says that he had been under treatment from 4-3-62 to 28-3-62, and the obvious question which arises is why this certificate was not obtained and produced earlier. His leave expired on 8th March 1962 and between 8th March and his appearance on 31st March there are no letters concerning his whereabouts or of this alleged illness.

9. It is true that the workman was not informed as to when the mine was being re-opened, but he had himself said that he would be returning in Kotma on the 8th of March 1962 on which date he was to resume work as his application for the final extension of leave had been refused; and it has not been proved that he was prevented by any unavoidable cause from being present within time. It is agreed that his leave was extended upto 28th January, 1962 and also agreed that his application for leave on 31-1-62 was refused by the company on 2-2-62 by Ex. 6 KC. He again asked for extension and the company replied by 8 KC of 12/14th February 1962 refusing the extension.

10. Mr. Chougule wishes me to construe the agreement as meaning that the workman could present himself for work within 40 days of the opening of the mine, but I am unable to accept this interpretation. The clause in my opinions is clear. In his evidence before me the workman has said that he had sent a letter to the company between 8th March and 29th March 1962 stating that he was ill. Ex. 9KC In his evidence he says his letter of 19-2-62 was written from Khardha and sent by registered post and his letter of 1-3-62 was sent by certified post. The 18th December 1961 letter was sent by registered post, which was for extension of leave. The letter of 19th February 1962 was also sent by registered post. Between 1st and 8th March 62 he wrote to the company that he was ill; it was on an inland letter form but either registered or under certificate of posting. He has not kept any postal receipt regarding the same. He did not tell Mr. Chougule or the Union about this letter that morning when he gave evidence and he does not remember whether he told them about it at any other time. He knows English. He had read para 2 and 3 of his statement filed that day. He says he did not

recollect about (Ex. 1 KCL) that letter written by him between 1st and 8th March 1962 when he read paragraphs 2 and 3 of the statement filed before me that day. He did not send a medical certificate together with that letter.

11. In further cross-examination the workman says that on 2nd March 1962 he left Pusa for Calcutta so as to collect his luggage and start for Kotma but he was taken ill meanwhile. He had his luggage in his father-in-Law's place at Kharda. Kharda and Kanchrapara are about 12 miles distant. In Kharda also there are several Doctors. He says that it is not true that he secured this medical certificate simply for the purposes of this case. I am unable to attach weight to the story of the alleged letter sent between 1st and 8th March 1962 or to the production of the medical certificate here.

12. I am unable to hold that the termination of the services of this workman was not justified. In terms of the agreement he was admittedly one day late for duty, and in the absence of any just cause established, the consequences as set out in the agreement would follow, and have followed.

13. The applicant's claim under this issue fails.

*Item No. 12: Shri Amjad Ali—*

There was a strike at the Kotma Colliery on 18th October, 1961. There was lock out on 9th January 1961, and work was resumed on 28th February, 1962, following an agreement which was recorded in a memorandum of settlement arrived at under section 12(c) of the Industrial Disputes Act in the presence of Shri R. L. Mehta, Joint Secretary, Ministry of Labour and Employment, Government of India, who assisted the parties in the conciliation proceedings. The date of the agreement is 23rd February, 1962. The relevant portion of the agreement is this: 'The Union agrees to withdraw the strike immediately and gives an assurance in writing that it would not resort to frequent stoppage of work. The Management agrees to withdraw the lock out immediately and to take steps forthwith to open the mine by the 28th February, 1962, and ensures full employment by the 9th March 1962, according to a programme to be drawn up. It is agreed that there would be no payment of either wages or bonus or any other form of compensation from the 18th October 1961 till the resumption of work. The Management agrees to waive the minimum attendance for entitlement of bonus under the Coal Mines Bonus Scheme. It is also agreed that neither party would pursue the issue of legality or otherwise of the strike and lock out before a court or other authority.'

2. Paragraph 5 of the agreement is important. It reads: "It is agreed that any worker who fails to report for duty within 10 days of resumption of work would lose his lien on the job unless he reports for duty within 30 days with a satisfactory explanation for his absence beyond 10 days."

3. In the workman's statement of claim it is stated: "Shri Amjad Ali, Miner, was working as a permanent miner. In 1961 he proceeded on leave and on his return from leave he was refused employment. Repeated requests from the workman had no effect on the management and as such the refusal of the management to employ the workman as a miner was unjustified." (para 29)

4. The facts of the case are shortly these: The workman proceeded on leave in April, 1961 and he did not return within 30 days of 28th February, 1962 when work was resumed after the strike. According to the company Ex. 53 KC is the first letter from him (dated 29th April, 1963) asking that he should be selected afresh as badli worker.

5. Mr. Nanavati contends that all those who reported within 30 days were to be taken up. Those who did not do so would be governed by the settlement and would lose their lien. Standing Orders according to him cover cases of overstay of leave, but not cases contemplated by the agreement which gives greater rights to the workmen and also imposes certain limitations. Shri Amjad Ali was a miner and therefore Standing Order 8 would not apply to him. But assuming that it did apply to a miner, then if he overstays beyond 8 days he must give satisfactory explanation to the management. In other words if he comes on the 10th day he loses his lien. If he comes on the 8th day even then he loses his lien unless he gives a satisfactory explanation. It is urged that the agreement for resuming work is a specific settlement under section 12 of the Industrial Disputes Act and an award under section 18 overrides general standing orders for the particular purposes; that the settlement was arrived at after raising a specific industrial dispute under section 12(3) of the Industrial Disputes Act. In fact, the Company contends that a special contract embodied in the agreement is more liberal than the Standing Orders. It is pointed out that some were on leave before the lock

out and could not come back because of the leave, and therefore there was no extension or overstay of leave. Then there may be cases where those on leave join the strike s; thus all possibilities were considered and fitted into the agreement. Mr. Nanavati argues that the workman here in fact assumed the loss of his lien under paragraph 5 of the agreement because of the letter from him Ex. 63KC dated 29th April, 1963 in which he asked to be selected afresh as badli worker. (See also Ex. 50KL of 18th July, 1963 which is the Union's letter pressing the company for an early selection of Amjad Ali as badli). I agree that these letters do not decide the interpretation to be placed on para 5 of the agreement, but it seems to have been the interpretation which was accepted by the Union as well as by the workmen. Mr. Chougule contends that the Standing Orders cannot be affected by the agreement of 23rd February, 1962.

6. In my opinion the agreement being what it is, and entered into in specific circumstances and for specific purposes, constitutes a binding agreement irrespective of the standing orders which might have applied but for the terms of the agreement; and to the extent of the terms of the agreement the standing orders must be regarded as suspended *protanto*. Paragraph 5 of the agreement is not a violation of S.O. No. 8, but replaces it only for the period of the reopening of the mine and resumption of the work after the strike. There was thus no right existing in the workman for claiming to be a badli worker as a matter of course under S.O. No. 8. The action of the management was justified and I am unable to give any relief.

*Item No. 13: Shri Joseph—*

This case relates to Shri Joseph who had been working as a canteen employee at Kotma. He complains that he had been removed from employment without any pay or notice or anything in lieu thereof by the Secretary of the canteen. He says that he had always working in the canteen, for the first 4 years with the co-operative society and thereafter for 3 years with the company. He says that when he worked with the co-operative society he was paid by the co-operative society. His case is that formerly the canteen was run by the co-operative society and subsequently by the company; he asserts that the company cuts his wages for Provident Fund; the company gave him leave about 4 years ago and he produces Ex. 112 KL in support thereof. The company contends that Shri Joseph was never an employee of the company; that the company had nothing to do with his dismissal.

2. The Secretary of the Consumer Co-operative Stores Ltd., Kotma Colliery, has given evidence. He says: "from 1955 canteen activities in the colliery are looked after by the society. The co-operative stores runs the canteen and gets the profits of the canteen. From July, 1955 to December, 1959 the company was giving a subsidy to the society of Rs. 110/- per month. In January 1960 it was raised to Rs. 450/- per month. The society appoints the canteen staff. The Canteen Manager directs the canteen staff, to work in a particular way. The society appoints the Manager and pays his salary. The canteen staff is under the society's discipline. The society keeps its own accounts. They are audited up to 30th June 1964. The salaries of the canteen staff are debited in the society's books." The witness goes on to say that Joseph was first employed in 1958 and left at the end of 1958 without informing the society. In October 1958 he again joined the society, and remained with them till November, 1961. He was a canteen boy. In November, 1960 he was absent and his absence extended to 40 days; then Joseph wrote to the society a letter apologising for his mistake and asking to be taken back which was allowed on 13th November, 1960. Joseph made an application for leave to the society (Ex. produced). The society issued a warning notice (Ex. 160 KC) to Joseph which he acknowledged by signing the receipt. The witness produced the payment sheet to show the payment of salary to Joseph by the society, and the entries bear his signature, and it has been duly audited. All similar payments could be exhibited. The witness said that the last payment made to Joseph was on 4th January, 1961 and he signed for it. The co-operative society gives statutory bonus and had been giving it to Joseph. The society deducts contribution towards Provident Fund from the wages of the canteen staff. The contribution of Joseph was also deducted from Joseph from his pay. These deductions are deposited with the Company because the society has no direct communications with Coal Mines Provident Fund Commissioner. But the company gives receipt to the society for the Provident Fund contribution, and the receipts were produced. In cross-examination this witness says that he did not know whether the canteen in Kotma Colliery is governed by the Coal Mines Rules but he knows that it is run by the society. The form of the register of wages i.e. form 3 is a form used by the contractors as also by the society and it is stated to be prescribed in the Payment of Wages and Coal Rules 1956. But the society has been using this form from January, 1960 and for this reason the society had approached the company to increase the subsidy from Rs. 110/-; they agreed to

raise it to Rs. 450/- and asked the society to pay the canteen staff according to the Das Gupta award; and since that required many columns they started using this new form. Previously the canteen workers had been paid a percentage on total sales, but when the canteen subsidy was increased by the company the society started paying according to Das Gupta Award. From 1960 the society started paying its workers the statutory bonus. The witness does not know whether this was done in connection with any award nor does he know the contents of the Das Gupta award or any other award. But the witness says that whenever the company paid any bonus the society used to give some corresponding payment to the canteen workers, and that is how they came to be paid the variable dearness allowance, under the Co-operative Society's Rules. When the company gave leave to its workmen the Society also gave leave to its workmen. The Society deposits the Provident Fund amount with the company and the company deposits it with the Coal Mines Provident Fund Commissioner, and the employer's contribution is paid by the Kotma Colliery; therefore they applied for sanction from the Head Office for contributions towards Provident Fund as employer's share. The company has been depositing the money. The subsidy had been given by the company for running the canteen and not for any other purpose.

3. It is true that under the Coal Mines Rules 1965 the mine is under obligation to provide canteens in Coal Mines for the use of the persons employed (Rule 64); and rule 68 makes provision for staff; the company has to appoint 'supervisory and other staff sufficient for the proper working of the canteen.' Mr. Chougule therefore contends that Joseph was appointed by the company and not by the society, and that there was a statutory obligation on the company to establish a canteen and to name the management. He emphasises that it is obligatory on the company to name the canteen personnel.

4. There is no doubt about the statutory obligation to have a canteen, but it is not obligatory on the management that this duty should be performed by the company itself; the society was asked to run it. Mr. Nanavati says that on the facts the relationship between the employee and the employer is the relationship between Joseph and the society, and he refers to a Patna case reported in 1964 ILLJ p. 301 in support of his contention. Mr. Chougule however contends that the company gave the work to an outside agency but the servants are of the management. Even if appointed by the society they must be deemed to be the employees of the company, and he relies upon three cases: 1959 ILLJ p. 544 (Andhra), Supreme Court 1957 ILLJ p. 477 and 1957 2LLJ p. 387.

5. It is apparent that the company was not under obligation under the Rules to run the canteen itself; if passed on the running of the canteen to the Society. The Society appointed its own staff to run the canteen and made such changes in the staff from time to time as occasion demanded. The Company's responsibility to provide the canteen and to ensure that it was run on healthy lines always remained; but the Society which operated the canteen had its own staff to do the work of the canteen. There was nothing wrong about it, and the staff was answerable to the Society and amenable to its discipline and orders. There was no privity of contract between the company and the individuals constituting the staff of the canteen. The company could of course direct the Society to make requisite changes in the work or staff which the society would be bound to carry out. But beyond this there was no link between the company and the individual members of the canteen staff.

The claim of Mr. Joseph against the company therefore fails.

Item No. 16: *Shri Akaly*—

*Sweeper Tkt. No. 376:*

Akaly was given a charge-sheet on March 4, 1962, to the effect that he on 4th March, 1962 at 7-10 a. m. while leaving his token before going to duty in the hospital shouted at the Medical Officer who was his departmental head for not admitting his wife to the hospital on 3rd March, 1962. Even after the Medical Officer had tried to remove any possible misunderstanding on the subject the respondent persisted in his defiant attitude and threatened 'to deal with' the Medical Officer later. The respondent submitted a reply (undated) to the Manager denying the charge, and an enquiry was duly held on 30th January, 1963. In this letter the workman said that he went to the hospital with his wife on the day of the incident as her illness was becoming serious in the previous few months and the Medical Officer refused her admission into the hospital, although the workman requested repeatedly for admission. He denies the charge filed against him. This letter is undated. But it was received by the Personnel Officer and the W. O. on 8th March, 1963. In his evidence the workman says that he replied to the charge sheet after 2 or 3 days, but he forgot to sign the reply. In cross-examination says that his reply to the charge sheet was pre-

pared by the union, and Mr. Som wrote the reply. The reply was addressed to the Manager but he gave it to the doctor, and he recognizes the document which he wrote to the Personnel Officer and W. O. on 8th March, 1963 as the document which he handed over to the doctor. The workman said before me that after the evidence had been recorded by the Enquiring Officer he did see the Secretary of the Union, Mr. Som, and told him that although the evidence had not been read out and explained to him, he had been required to put his thumb impression. I have not written any letter to the company complaining about the conduct of the enquiry as now deposed by me. I do not know whether the Union had done so. I do not know why in Ex. 153KL nothing was stated about the irregularities of the enquiry. The written statement of the workman and application for approval have been taken on the file marked 153KC. The Enquiring Officer Mr. H. S. Madhav has stated that the proceedings are faithful records of what took place; the proceedings were in Hindi and translated and written in English and they were read over and explained in Hindi and signed by the Enquiring and Personnel Officers. The workman put his thumb impressions to it but he says that the proceedings were not read over to him in Hindi before he put his thumb impressions.

2. The result is that the Enquiring Officer has found him guilty of the offence with which he had been charged, and he has been dismissed from service. The enquiry was fair and was carefully conducted and recorded. The attack made by the respondent before me on the conduct of the enquiry is not convincing. His claim for reinstatement with full back wages from 4th March, 1962 is unsustainable and the grant of any such claim would place a premium on unfounded intrasigency. It has been contended on behalf of the workman that the Enquiring Officer was Judge and Prosecutor at the same time, because after the Doctor gave his evidence on 9th March 1962 he left the proceedings. Thereafter the other two witnesses called in support of the charge were examined by the Enquiring Officer. I see no infirmity in the enquiry because of these circumstances. The Doctor is a busy man and he gave his evidence and left; he had no personal interest in the result of the enquiry beyond the fact that he considered that the workman had misbehaved.

3. Mr. Chougule's main point is that the manager in his order had said "I see from the workman's past record that as recently as September 1961 he was suspended for 4 days for wilfully insubordination in combination with other Sweepers. This is an aggravating fact and therefore I concur in the Enquiry Officer's recommendation that the workman should be dismissed from service." Mr. Chougule says that because of this consideration the dismissal was bad, because according to Mr. Chougule the order of dismissal was influenced by the past record and it had not been put to the workman at any time.

4. The decision of their Lordships of the Supreme Court in the case of India Marine Services P. Ltd. and their workmen 1963 1 LLJ p. 122 is directly on the point. The management's order in that case was in following terms:—"We have therefore mainly come to the decision that in the interest of discipline and business you should be forthwith dismissed from our service. Accordingly your service will no longer be required by us from today. In taking this action against you we have also taken into consideration your past record which is very much against you." Their Lordships observed: "It is true that the last sentence suggests the past record of the workman has also been taken into consideration. But it does not follow from this that that was the effect reason for dismissing him. The Managing Director having arrived at the conclusion that the workman's services must be terminated in the interest of discipline, he added one sentence to give additional weight to the decision already arrived at."

5. In this case before me the Enquiring Officer did not make any reference to the workman's past records. Apparently he did not have it before him. The Manager of the Colliery made the remarks which I have reproduced above, and to which objection has been taken. However, the final authority who is to decide as to whether a person should be dismissed or not is the Agent, and he has not referred to the question of past records. He says: "I have carefully gone through the enquiry proceedings in respect of the charges levelled against Shri Akaly, Sweeper of Kotmā Colliery, and I entirely agree with the findings. I hereby accord my approval to the dismissal of Akaly from service. The necessary formalities should be completed while passing dismissal order as there is a pending of adjudication proceedings at your colliery."

The workman's claim fails.

Issue No. 8:

Item No. 18: Shri Halla Prasad--

This case has not been pressed.

*Item No. 19: Shri Vishnu Prasad—*

Mr. Chougule says that this workman overstayed his leave beyond 12th August 1959. On 29th August, 1959 the company wrote to him that he had lost his lien on the appointment and he claims that he should have been put on the badli list, which was not done. The company's letter Ex. 64 KL dated 29th August 1959 was delivered to the workman at Sagar on 31st August 1959 but the workman claims that on 16th August, 1959 he sent a letter, a copy of which is Ex. 62 KL, saying that he had reported for duty on 16th August, 1959 and had asked to be taken back; but no reply except the letter of 29th August, 1959 terminating his services was received by him. The company contends that the workman's letter Ex. 62 KL said to have been sent on 16th August, 1959 was never received by the company, and indeed it is very strange that the workman never mentioned anything about Ex. 62 KL nor did his union do so until the matter was before me.

2. Mr. Chougule's contention is that it was the duty of the employer to put the workman on the badli list. Mr. Nanavati states that the company had informed him that he had lost his lien. Thereafter he must report for the badli list to which he would have been entitled, and there was no need for the workman to be informed of this because it is a term of the Standing Orders.

3. As regards the authenticity of Ex. 62 KL, a certificate of posting is produced from the Post Office which is in the company's building, and the workman says that he gave the letter into the postman's hand but did not put in the post box. The postman had made some entry in his books when he gave the letter. Mr. Chougule says that he is not producing any evidence on this point because he says no such entries were made. The workman says he does not know that there is a practice in the post-office to start the day with fixing the stamp mark, which is to be used during the particular day, on a page in their record. Mr. Chougule says that he is not producing any record of the post office concerning Ex. 62KL. I am unable to accept the statement of the workman to the effect that he sent a letter like 62 KL to the company.

4. There are some peculiar features connected with this workman. His home is at Damoh, and from 17th August, 1959 upto the date on which he gave his evidence before me on 25th January 1965, he had not been home. He says that it is not true that he received 64 KL at Sagar. He admits that in Ex. 65 KC the date 31st August 1959 has been written by him and it bears his signature, and it was made at Kotma. As regards 64 KL he says that the original was kept in his pocket and got torn about 10 months ago. "Mr. Som, the Secretary of the Union, made this copy 64 KC; he prepared this copy from two pieces. It is not true that the endorsements on Ex. 64 KL at the left hand bottom about the copies to various persons did not exist in the original. I did complain to the Union about 64 KL at once. I relied upon the Union to do the necessary. I do not know why they did not write telling the management of my letter 62 KL. At that time there was disturbance in the Colliery and it was difficult to approach the management. When people knew that I had been dismissed they thought that by approaching the Post Office I was doing something wrong and there was danger of my being assaulted. Ramratan Yadav was the Vice-President of my union and he was a Mechanical Fitter in the workshop. At the time when I received Ex. 64 KL Ramratan Yadav was working as usual in the colliery. Som was working in the time office at that time and was attending to his duties. In September, 1959 the Union wrote several letters to the management. Up to May, 1962 there was a danger to my life in the Colliery. As I was a worker of the INTUC union both the other union and the management had their eye on me. I had taken a course in Union work and was writing letters on behalf of the workers, and therefore the management was watching me. Between 1959 and 4th May, 1962 I did leave my house but only to go to the Union office in company of other workers. I do not know any other case like mine where the management dismissed the worker for union activities. There is a post office near Kotma Railway Station. I spoke to Ramratan and he said why worry, the letter will be posted. I was tired of telling him to post my letter after I had asked him once or twice. (At this stage Mr. Chougule says in answer to Mr. Nanavati that it is not necessary and he is not going to call anybody to prove the letter). I received the certificate of posting Ex. 63 KL. Ex. 62 KL is in my handwriting. It is a carbon copy. How can I say if in the statement of claim filed by the Union they have not referred to this letter or the certificate of posting. In 1959 I held no office in the Union but at present I am the Treasurer." To one of my questions the witness stated: "If I had been reinstated in consequence of my letter Ex. 62 KL, I would have left the party work and gone to do my work in the colliery. If I had gone to the other side, I would have had nothing to fear." On further examination the witness said: "My father and my uncle were working in the colliery throughout from 1959 till now. I had been

staying with my father. I did not give my father a letter concerning Ex. 64 KL because my father said that he did not wish to mix up with union matters. I asked him once and he refused. After the receipt of 64 KL I had been continuously working for the union till now. I knew from 64 KL that I had lost my lien on my employment." Later in answer to my question he said: "It is true as I have said that between August 1959 and May, 1962 I was afraid to go out. I had to go to the union office during this period when I was required. For the rest of the time I stayed at home. At home I used to read books." Later he added "I am not on good terms with my uncle and so I did not ask him to post the letter for me. Why should I have gone as badli, pursuant to letter 64 KL. I have been treasurer of the union for a year and a half."

5. I am clearly of the view that the workman had lost his lien. It is difficult to believe that the workman here, the treasurer of the union, would have failed to refer to this letter (Ex. 62 KL) in the pleadings if in fact it had been sent.

6. It seems that Shri Vishnu Prasad has settled down to the work of Treasurer of the union and has absented himself from work from August, 1959, and his claim to be taken back is as astounding as his assertion that he has failed to have his home these years because of danger to his life. The colliery has been working normally and production has risen since 1959. Assuming danger to his life, the company cannot be expected to continue his on their rolls if for some reason for which the company was in no way responsible, the worker had incapacitated himself from carrying out his duties.

The action of the management was justified and I see no reason to interfere.

*Item No. 20: Shri Ansuya Prasad—*

This is a case of a workman who joined the Kotma Colliery originally as a Water Boiler. He had an unfortunate record of illnesses; he is 50 years old, and he was declared by the doctor of the Shahdol hospital to be unfit for further services, and his services were terminated on 11th December, 1961 by a letter Ex. 101KL. His principal trouble was Tuberculosis and apparently there was deterioration. Mr. Nanavati on behalf of the company has tendered correspondence which is collectively marked 102 KC (1) to (24). On his discharge from the Pendra Sanatorium on 2nd October, 1960 he reported for duty on the 22nd of the same month. He had already written on 15th (102 KC) asking to be given light work and he was fixed as Roller Man. He worked as such until 19th December, 1960. According to Mr. Chaturvedi, the Assistant Manager, Kotma Colliery, in the underground department the job of Roller Man and Pump Attendant were the two light jobs, and the workman did not ask at that time to be made a pump attendant, nor was there any vacancy there. Mr. Chaturvedi replied in cross-examination that even if there was a vacancy of a pit head bath attendant, the respondent would not have liked it as it is regarded as a Sweeper's job; and Mr. Chaturvedi adds that it is the job of the Manager to take a person and fix him in an appointment provided there is a vacancy and in so doing the sanctioned strength should not be exceeded.

2. I cannot see any infirmity in the order which has been passed. Within the limits of the managerial capacity what work could be given to the workman was given to him. Ultimately he was declared unfit for service.

3. Mr. Nanavati says that the company is prepared to give the first vacancy in a job of like nature if a selected Doctor suggests that he is fit for work at that time. This proposition is not acceptable to Mr. Chougule who says that he wants the job within a specified time; which Mr. Nanavati says is not possible; and this is understandable.

4. Mr. Nanavati offers to pay the workman concerned an *ex gratia solatium*. I think that is fair, and I suggest that a sum of Rs. 500/- be paid to the workman as *ex gratia solatium* as a special case.

[No. 8/109/64-LRIL.]

**S.O. 1962.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Ltd., Nowrozabad Colliery, P.O.



Nowrozabad, district Shahdol, Madhya Pradesh, and their workmen, which was received by the Central Government on the 14th June, 1966.

### ARBITRATION AWARD

In the matter of Associated Cement Companies Limited, Nowrozabad  
And

Their workmen represented by the Nowrozabad Colliery Mazdoor Sangh

#### PRESENT:

Mr. F. Jeejeebhoy, Barrister-at-Law, Arbitrator.

*For the employers.*—Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil, and Mr. M. S. Kapoor.

*For the workmen.*—Mr. K. B. Chougule, General Secretary, Nowrozabad Colliery Mazdoor Sangh, Nowrozabad.

#### AWARD

Whereas by their agreement between the Associated Cement Companies Limited of Nowrozabad Colliery on the one part and the workmen of the other part dated 28th January 1965 the parties agreed to refer certain disputes to the arbitration of Mr. F. Jeejeebhoy, Barrister-at-Law, the last President of the Labour Appellate Tribunal of India;

And whereas the same has been published in the Gazette of India dated 20th February 1965 at pages 733 to 735;

And whereas the following disputes have been heard and completed, viz;

(a) Ramadhar Nigam and 17 others—CGIT 9 of 1963;

(b) Ishwar Dass and 9 others—CGIT 20 of 1963;

(c) K. K. Tiwari and Syed Noor—CGIT 21 of 1963;

(d) Ramadhar Nigam and 5 others—CGIT 23 of 1964;

(e) And whereas by an agreement of the same parties of 18th August 1965 published in the Gazette of India of 2nd October 1965 at pages 3284 and 3285 the discharge of Tiwari & Syed Noor amongst others has been referred to me as a substantive dispute;

And whereas by my award of 24th May 1966 I have already given my decision in the matter of Ishwar Dass and 9 others—CGIT 20 of 1963;

Now therefore I hereby make my award concerning other 8 persons covered by the aforesaid items (a), (c), (d) and (e);

All the pages have been consecutively numbered (1 to 44) and each page has been signed by me, and all corrections have been initialled.

This award is hereby signed by the Arbitrator this the 9th day of June, 1966.

(Sd.) F. JEEJEEBHOY,

Arbitrator.

I shall now deal with the matters referred to my arbitration by an agreement of 28th January 1965 and duly published in the Gazette of India of 20th February 1965 Part II, section 3(ii) at page 733 being S.O. 646. The issue is:

- (i) (b) Whether each of the following complaints filed by the workmen before the Central Government, Industrial Tribunal, Bombay, under section 33A of the Industrial Disputes Act and numbered by the Tribunal as follows as maintainable under section 33A as and when originally filed and if so to what relief the concerned complainants are entitled? And in complaint No. 23 of 1964 in addition to the issue as to whether the said complaint is maintainable and to what relief the workmen are entitled, the issue as to what is the effect of

order, dated 29th February 1964, of the Central Government Industrial Tribunal, Bombay, in Application Nos. 1 to 6 of 1964 shall be decided.

Name(s) of the Complainant(s)	No. as given by the Tribunal
Shri Lurka D. as	CGIT 3 of 1963
M/s. Ramadhar Nigam & 17 others	CGIT 9 of 1963
Shri Garib Dass	CGIT 14 of 1963
M/s Ishwar Dass & 9 others	CGIT 20 of 1963
M/s K. K. Tiwari & Syed Noor.	CGIT 21 of 1963
Shri Mulloo Ram	CGIT 25 of 1963
Shri Rattan	CGIT 27 of 1963
Shri Baldeo	CGIT 28 of 1963
Shri Bhim Sen	CGIT 11 of 1964
M/s Ramadhar Nigam and 5 others	CGIT 23 of 1964

I shall now first take up complaints Nos. (CGIT) 9 of 1963 and 23 of 1964. The six workmen who are complainants in complaint No. (CGIT) 23 of 1964 are Ramadhar Nigam, R. M. Maiti, K. P. Gupta, Jafar Ali, Jogeshwar Prasad and P. C. Gureja, all belonging to the washery. Complaint No. 9 of 1963 concerns 18 persons including the above six and ten operatives who have been already considered by me in my award dated 24th May 1966; the remaining two being Syed Noor and K. K. Tiwari are persons from the maintenance group.

I shall here first deal with the case of the aforesaid six persons who figure in Complaint No. 9 of 1963 and 23 of 1964. After an enquiry held by the management and after having been found guilty they were punished by dismissal. The Company made applications for approval of the dismissals under section 33(2) of the Industrial Disputes Act to the Industrial Tribunal at Dhanbad, where Reference No. 26 of 1962 was pending between the Company and its workmen; these six workmen took plea that the applications for approval before the Dhanbad Tribunal did not lie on the ground that the workmen were not concerned with any proceedings before the Dhanbad Tribunal but were concerned with the proceedings before the Bombay Tribunal. Hence the 18 workmen of the washery including these six workmen filed a complaint on 6th May 1963 under section 33A in the Bombay Tribunal in Reference No. 43 of 1962. When the matter came up for hearing at Dhanbad, the Company accepted the suggestion of the Tribunal to withdraw the six applications and they said they would file them before the Bombay Tribunal. The applications were withdrawn from the Dhanbad Tribunal and similar applications were shortly thereafter filed before the Bombay Tribunal. The Bombay Tribunal by its order of 29th February 1964 held that the applications contained no verification as required by rule 16(3), that the applications to the Bombay Tribunal were covering letters and not applications under section 33(2)(b) that the applications had not been duly signed for and on behalf of the company, that there was no provision in the Act for applications to be re-filed from the Tribunal from which they were withdrawn, and that there was no prayer for excusing the delay or explaining the delay in re-filing the applications sixteen days after they were withdrawn from the Dhanbad Tribunal. For the reasons thus given, the Bombay Tribunal held that there had been a breach by the Company of section 33(2), as the applications of the Company were not maintainable as presented. Thereafter the six workmen concerned filed a joint complaint (23 of 1964) before the Bombay Tribunal under section 33A of the Industrial Disputes Act alleging contravention of the provisions of section 33 on the ground that the employers had not secured approval of the dismissal orders which had been passed against them. This complaint (23 of 1964) and also complaint 9 of 1963 are before me. The Company has maintained notwithstanding the difficulties with which they had been confronted when they made the applications for approval, they were in any event entitled, even if such contravention is proved, to justify the impugned dismissals on the merits. That is substantially the issue before me. The position is clear in law. Their Lordships of the Supreme Court in the case of the Delhi Cloth & General Mills (1960 2 LLJ. p. 712 et seq) observed: "It is clear that in the case of a complaint under section 33A based on dismissal against the provisions of section 33, the final order which the Tribunal can pass in case it is in favour of the workmen would be for re-instatement. That final order would be passed only if the employer fails to justify the dismissal before the Tribunal, either by showing that a proper domestic inquiry was held which established the misconduct or in case no domestic inquiry was held by producing

evidence before the Tribunal to justify dismissal", and Their Lordships referred to the case of the Punjab National Bank (1959 2 LLJ. p. 666) "where it was held in any inquiry under section 33A the employee would not succeed in obtaining an order of re-instatement merely by proving contravention of section 33 by the employer. After such contravention is proved it will still be open to the employer to justify the impugned dismissal on the merits. That is a part of the dispute which the Tribunal has to consider because the complaint made by the employee is to be treated as an industrial dispute and all relevant aspects of the said dispute fall to be considered under section 33A."

It is therefore my function in these cases before me to come to a conclusion (a) whether there has been a breach of section 33 and (b) whether the employer has established that he was justified in dismissing the workmen on the merits.

I have further to decide as to complaint No. 23 of 1964 in addition to the issue as to whether the said complaint is maintainable and to what relief the workmen are entitled, the issue as to what is the effect of the order dated 29th February 1964 of the Central Government Industrial Tribunal, Bombay in applications Nos. 1 to 6 of 1964 (concerning these six workmen).

The decision of the Central Government Industrial Tribunal, Bombay of 29th February 1964 is clear. It says that there was a breach of the requirements of section 33(2) on the ground that no valid application for approval had been made by the Company; the application filed was rejected *in limine* as not maintainable, and it was tantamount to no application at all—the decision was not on merits. And according to the decision of the Supreme Court above quoted it becomes my function to decide on the merits the complaints of these six workmen. It does not mean that because the Company failed to file a valid application for approval, that the dismissals became *ipso facto* illegal. That would be contrary to the authorities. (*vide*: Supreme Court decision in Punjab National Bank case—1959 2 LLJ. p. 666). If the Company succeeds on merits, then the breach of section 33 would amount to a technical breach and unless there are compelling facts in favour of the workmen it would not justify any substantial order for compensation. Mr. Chougule placed reliance on the case of Tata Iron & Steel Co. Ltd. (1963 2 LLJ. p. 128) but that decision is not at variance with the decision in the Delhi Cloth Mills case, and the Punjab National Bank case referred to above. The case of the Equitable Coal Co. reported in 1958 1 LLJ p. 793 S.C. is on the same lines as the Delhi Cloth Mills case (S.C.).

The claim of the workmen that as a result of the order of the Bombay Tribunal dated 29th February 1964 they should be deemed to have never been dismissed is untenable. Their further contention that in view of that order their complaint No. 9 of 1963 to the extent it related to their dismissal is rendered infructuous is also untenable. The allegation that by that order the entire action of the management against them was void and untenable also fails.

I must therefore proceed to judge the complaints in the light of my above findings.

I shall now give the particulars of the charge-sheets against the said six workmen and two others, Syed Noor and Tiwari, who will be considered hereafter.

Name	No. of charge sheets	Subject	No. and date of charge-sheet
1	2	3	4
Gureja . . . . .	1	Illegal strike . . . . .	One inquiry. C. S. No. NC-A-7-1561 dt. 25-2-63.
Jogeshwar Prasad . . . . .	1	Illegal strike . . . . .	One inquiry. C. S. No. NC-A-7-1562 dt. 25-2-63.
Jafar Ali . . . . .	2	Illegal strike and refusal to operate heavy media	Two inquiries. C. S. Nos. NC-A-7-1563 dt. 25-2-63 & NC-A-7-1518 dt. 23/24-2-63.
K. P. Gupta . . . . .	2	Illegal strike and refusal to operate ball mill.	Two inquiries. C. S. Nos. NC-A-7-1563 dt. 25-2-63 & NC-A-7-1518 dt. 23/24-2-63.

1	2	3	4
Malti . . . . .	1	Refusal to operate heavy media.	One inquiry C. S. No. NC-A-7-1382 dt. 20-2-63.
Nigam . . . . .	3	Refused to operate heavy media on 20-2-63	One inquiry C.S. No. NC-A-7-1436 dt. 22-2-63.
		Unruly behaviour on 23-2-63.	Joint inquiry NC-A-7-1520 dt. 24-2-63
Syed Noor and Tiwari	Fitters	Refusal to comply with orders of transfer.	One inquiry NC-A-7-1747 dt 4-3-63
			C. S. No. TNC-A-7-2806 dt. 1-4-63
			ANNC-A-7-2815 dt. 1/3-4-63.

I shall now proceed to deal with the charges against the first four, namely, Gureja, Jogeshwar Prasad, Jafar Ali and K. P. Gupta.

In this case four of the workers of the Nowrozabad washery by name, P. C. Gureja, Jafar Ali, K. P. Gupta and Jogeshwar Prasad were on 25th February, 1963 charge-sheeted to the effect that on 23rd February 1963 at the start of the first shift at 8 A.M. they individually and in concert with other workers of the washery refused to go to their places of work unless an undertaking was given in writing that they would not be laid off if the washery could not be run on that day; they had been told that if they worked and operated the washery the question of lay off would not arise; that such concerted refusal to go to work would be construed as a strike which would be illegal as various references were pending before the Tribunal, and also because the Coal Industry had been declared a public utility concern. In spite of such persuasion by the Washery Superintendent, the Supervisor and the Personnel Officer they would not agree to go to work and remained squatting in the open ground in front of the washery, and neither worked themselves nor allowed the other workers of the shift to work the first shift on 23rd February, 1963. They were charged with breaches of Standing Orders 16(i) and (xix). Ex. 2 is a reply to the charge-sheet signed by all the four complaining that the coal washing had come down because of bad machinery, bad supervision and bad maintenance; that on 20th February, 1963 when the two shift washing started the strength of the workers had been split in a most unfair manner causing reduction in the working strength per shift, that the change allocating duty section-wise could not be adhered to and haphazard changes had to be made; but those workmen said that this should not be taken to mean that the Company's allocation of duty under the duty chart was in any way fair and reasonable. Furthermore they complained that after taking the work for three or four hours every day, the Company laid off the workers in contravention of the law; the lay off notices were invariably timed within the first two hours of the commencement of the shift and were never posted before 11 A. M. and finally they contended that because of the gross illegalities on the part of the management, on 23rd February, 1963 they wanted to know in advance if the Company was going to lay them off or whether they were to be kept on duty once they started working; they alleged that the Company desired to harass them and did not make this point clear, and so they had no alternative but to act as they had done. They denied what they had done constituted a strike legal or illegal or incited anyone to do so.

The Inquiry was duly held by Mr. J. D. Sumariwalla an officer of the Company of the Head Office in Bombay. The inquiring officer held that the charge-sheeted workmen did strike work from the commencement of the first shift of 20th February, 1963, that the assurance demanded by the workmen that they would not be laid off during the course of the shift was neither reasonable nor justified, that the charge-sheeted workmen did incite and instigate other workmen, and also prevented Shri Bakshi (of the Company) from talking to other workmen; that their action was illegal as the same was in contravention of the provisions of the Industrial Disputes Act; and the workmen persistently refused to carry out instructions to go to their work spot and start the work. He recommended that all the four workmen be dismissed from the Company's service from 13th April, 1963.

The Manager in his order said that he had carefully gone through the inquiry proceedings in respect of these workmen and concurred with the findings and

recommendations of the Inquiring officer that the concerned workmen should be dismissed from the Company's service after obtaining the Agent's approval.

The Agent in his order of 22nd April, 1963 has stated : "I have very carefully gone through the inquiry proceedings in respect of the charge-sheets issued to the abovenamed workmen and fully concur with the findings and recommendations of the Inquiring officer, as well as the recommendations of the Manager. The charges levelled against these workmen are of a very grave nature and hence they deserve the extreme punishment of dismissal. I give my approval to the dismissal of the abovenamed four workmen from the Company's service." Thus the Report of the Inquiring officer had undergone two higher scrutinies.

I have gone through the proceedings and I have no doubt that the Inquiring Officer had ample materials upon which he could base his findings that these four workmen having recorded their attendance refused to go within the factory to their several duties and squatted in the shady area outside the washery refusing to do any work unless they were given an assurance in writing that whether the washery worked the full day or not they would not be laid off during the shift; and I have also no doubt that the Inquiring Officer had sufficient evidence before him to justify the further conclusion that these four persons instigated others to refuse to work and even prevented one of the officers of the Company from persuading others to work.

From amongst these four persons only Gureja has given evidence and filed a statement on which he based his case. He contends that the charge-sheeted workmen had been deprived of the help of P. S. Karkare; but it is a practice in the Company that a workman may select some person from his own department to help him in his defence at the hearing, and this is known not only to the Union but also to the workmen; thus there was no impropriety on the part of the Inquiring officer to decline to have Karkare assisting the charge-sheeted workmen. The workmen were asked to select any others whom they desired of their own department, but they declined to do so. Gureja next urged that he had asked for copies of the proceedings but did not receive the full copies until 27th April, 1963; and the dismissal order was passed on 30th April, 1963; he therefore complains that he did not get an opportunity to represent to the management with the irregularities in the proceedings. This is a weak plea, because if there were any irregularities during the course of the inquiry these four persons would normally have represented the matters at once to the management instead of waiting so long, and specially as they had the Union helping them. It was next urged that the Inquiring officer had been putting leading questions to Rambharose who was the first witness in the inquiry, and that he was helping Rambharose to answer the questions. It is true that they made a representation on this subject to the manager, the Inquiring officer denied it, and the workers proceeded with the inquiry. The workmen now complain that because they received copies of these proceedings on 27th April, 1963 and were dismissed from 30th April, 1963; they had no opportunity to represent these irregularities to the management; but from the date of the conclusion of the inquiry on 12th April, 1963 until the order of dismissal on 30th April, 1963 the workmen had ample opportunity to take what steps they liked in respect of this allegation, but neither they nor the Union did anything during that time. It was next urged before me that Rambharose had said that it was true that the washery was not run on 23rd February, 1963 in the first shift for want of megacite; the complaint is that this was not recorded, and it is strange that the workmen did not insist there and then to have the answer recorded when a witness's evidence was said to have been read over and explained in Hindi at the end of the evidence. Notwithstanding what Gureja says I have no hesitation in deciding that the normal practice was followed here of reading the evidence in Hindi at the end of the evidence. The next charge is that at the end of the inquiry it had been recorded that they did not wish to lead evidence of any witness and that they did not wish to give any statement before the Inquiring officer and that they stood by the joint explanation of 14th March, 1963; they now say that what they had told the Inquiring officer was that their joint explanation may be treated as individual statements given at the inquiry and that they were witnesses for each other. The Inquiring officer at the end of the evidence in support of the charges inquired individually of the four workmen as to whether they desired to lead any evidence. They individually replied that they did not wish to lead any evidence of any witnesses on their behalf. They further said that they did not wish to give any statement before the Inquiring officer, and they stood by the joint explanation dated 14th March, 1963 submitted in reply to the charge-sheets. I have no doubt that this was the answer given by the workmen to the Inquiring officer and as a result of

which the inquiry was concluded. It has been urged before me by Mr. Chougule that the inquiring officer should have taken the reply to the charge-sheet as evidence of the workmen as if they had given evidence as witnesses on their behalf. But none of the four had stated before the Dhanbad tribunal or before the Bombay tribunal in application No. 126 of 1964 that the four of them should have been examined as witnesses for each other. This in itself indicates that never intended to give evidence. If they wanted to give evidence as witnesses each one of them should have said so and should have tendered themselves for cross-examination. Gureja was the only one to give evidence, on which he was cross-examined.

The inquiry started on 5th April, 1963 when Rembharose gave evidence and was examined by the four persons. Also examined on the same day was Shri H. S. Bakshi who was the Personnel Officer. These were the two principal witnesses in support of the complaint. When they were dispersing on 5th April, 1963 in the evening the inquiring officer, Mr. Sumariwalla received a telegram asking him to leave on Company's urgent work by the morning train and thus the inquiry was adjourned by consent of the workers to Wednesday 10th April, 1963. The inquiry was however continued on 12th April, 1963 at 9.15 a.m. when the last witness for the complaint Shri O. P. Virmani gave his evidence. He was the senior watch and ward supervisor and he was cross-examined by the four charge-sheeted workers. The inquiry then terminated.

It is alleged that the purpose for which Mr. Sumariwalla was called away to Jabalpur rendered him incompetent thereafter to proceed with the inquiry. The fact is that Mr. Sumariwalla's post is at the head office in Bombay, and he had been sent to Nowrozabad to conduct this inquiry; he arrived in Nowrozabad and thereafter started the inquiry on 1st April, 1963. He was asked by the head office on or about 5th April, 1963 to proceed to Jabalpur where an application was pending before the R. L. C. for a declaration of an illegal strike in which these same four persons, in addition to others, were concerned. Mr. Chougule had raised before the R. L. C. the contention that the petition had not been correctly signed on behalf of the concern and therefore should be dismissed. Mr. Sumariwalla had authority of the head office to sign on behalf of the management, and therefore he was asked to go to Jabalpur in order to sign any papers that might be necessary for rectifying a possible technical flaw. His duties at Jabalpur did not go beyond this; before he signed the application before the R. L. C. he read through the petition and he had no intention of touching any matters other than those connected with the technicality of assuring that the petition was duly accepted. After that was finished he returned to Nowrozabad and concluded this inquiry after examining the last witness on 12th April, 1963. It is said by Mr. Chougule that by so signing the document Mr. Sumariwalla had disqualified himself from being an inquiring officer in these proceedings. In my opinion this position is unsustainable.

Mr. Sumariwalla says that he was not influenced in any way by signing the application because of his visit to Jabalpur. He had not received the application before the R. L. C. and he was at the head office when the petition had been filed. On 8th April, 1963 when the application was before the R. L. C. at Jabalpur he was present there, and Mr. Chougule as was expected raised the preliminary point before the R. L. C. and later received a decision in his favour which I am told, was subsequently upset. Mr. Sumariwalla had to stay in Jabalpur on 8th, 9th and 10th April 1963. But he says that the reply to be filed before the R. L. C. was prepared by Mr. Mathur and Mr. Kapoor who were there, and he Sumariwalla signed it as a representative of the head office since there was no member of the head office there at the time. He says that he did not import any matters which he had heard or read in the Jabalpur proceedings in the inquiry which he held. I accept what he has said.

He did nothing more in or about the Jabalpur matter. He returned to Nowrozabad and duly continued with the case before him. No objection was taken to his continuing the inquiry even though Gureja had stated that he too was present at Jabalpur for the proceedings; Sumariwalla had no subjective interest in this matter because he did not know what all had gone before and he himself had come to investigate into the charges framed against these four persons. If workers attached any importance to this visit of Mr. Sumariwalla to Jabalpur they should have at once objected to his proceeding further with the inquiry, and making his Report; nor did the Union object of which Mr. Chougule is the Honorary Secretary. If these four persons considered that they had been prejudiced in any way by what Sumariwalla had done at Jabalpur it is strange that they should have participated in the inquiry thereafter. The fact of the

matter is that in a domestic inquiry there are certain features peculiar to the circumstances of such an inquiry. As has been judicially observed, there might be only a single officer in a company and the obligation might fall upon him both to charge-sheet the workmen, to hold the inquiry, and then arrive at a conclusion; a domestic inquiry might in some cases become impossible. A domestic inquiry is an internal affair, and it would be unrealistic to imagine that others in the Colliery were not aware of some of the matter which were floated around. But what he had casually heard of such matters without any wish to hear them does not per se disqualify the person concerned from holding the inquiry. Furthermore, it must be appreciated that in the case of this company Report of the inquiring officer is by no means final; the authority that imposes punishment is the manager after reading the Report; and in this concern there is an additional safeguard, namely, that where the proposed punishment is dismissal, the papers are forwarded to the Agent at Bombay for scrutiny and approval. Therefore the Report of the inquiring officer has undergone a double scrutiny—once by the Manager of the Colliery, and secondly by the Agent at Bombay, and this form of double checking does not prevail in all concerns.

It has been contended that punishment by dismissal was excessive. As regards this it should be appreciated that in labour matters the quantum of punishment is a matter for which the company is the best judge; the factors to be considered in such matters include, but need not be exhausted by, the gravity of the offence per se, the loss to the company in consequence of such offence, the fact of misbehaviour of the charged persons on the rest of the group who were incited by them to follow their example and acted accordingly and upon discipline as a whole. There is no doubt that these four persons not only refused to work themselves but they incited others to act like them. I am unable to hold that the punishment was too severe.

It has been urged by Mr. Chougule that the workmen were entitled to demand an assurance that once they started work they should not be laid off during the course of the day. I think it is abundantly clear that the lay off can take place as soon as conditions exist where the management finds that it is not possible to carry on work for the rest of the shift. This proposition to my mind is in conformity with the definition of 'lay off' in section 2"KKK". These workmen had presented themselves for work, their attendance had been marked, but they would not start work, unless an assurance in writing was forthcoming that they would not be laid off during the course of the shift, and the Company was within its rights to decline to give any such assurance, the more so as the lay off had stemmed from workers' own misconduct. Nor could it be said that this was inequitable; there had been troubles in the washery and they had come to a head. These are facts now beyond controversy; if in these circumstances the management considered that the proper punishment was dismissal, the punishment could not be regarded as excessive.

Mr. Chougule has lastly contended that by reason of the lay off made during the course of the shift the workmen were losing certain emoluments. I have not been able to appreciate this point of view. But assuming that there was a dispute as to what a workman should have received by reason of the lay off, any such dispute could have been easily determined by reference to a payment of wages authority.

I therefore hold that the order of the management dismissing the four workmen from service is justified and no relief is indicated.

I shall next deal with the case of R. N. Maity. The charge against him is contained in the Charge-sheet No. NC-A-7-1382 dated 20-2-63. It runs as follows: "It is reported that on 20-2-63 before the start of your shift, that is, from 8 a.m. to 4 p.m. you were instructed by the Washery Superintendent, Shri Athalve, to work on heavy media system instead of on drum filter as Shri P. C. Gureja and Shri Chawra were on sick leave. You asked him these instructions in writing, and when Shri Athalve sent a memo to this effect you wanted its Hindi translation. When it was brought to you in Hindi translation even then you refused to accept it. Shri Rambharose explained to you the contents of that memo that you were required to work on heavy media system in stead of on drum filter which will remain stopped from today. Your attitude was still adamant and you refused to accept the said memo and instead started the drum filter along with Jafar Ali. It had been made sufficiently clear to you that it will not be operated today. At this again you were told that it was not to be operated and then only it was stopped. You also refused to work on heavy media system. Since the heavy media system is an important link in the washery and without its operation the washery cannot be

operated we had to lay off you and some other workmen at the washery. Due to this the washery could not work on 20-2-63 during the first shift. The Personnel Officer Mr. Bakshi also spoke to you on 20-2-63 at about 9.30 a.m. and explained to you that you should not behave in this unwarranted manner. To him also you replied in the same way and told him that you would not work on heavy media system."

In answer to the charge-sheet Maity said: "As per the circular regarding the two shift working of the washery from 20-2-63 I was supposed to work on filter. Accordingly I commenced working on the drum filter from 8 a.m. Suddenly at about 9 a.m. I was called by Mr. Athalye. He requested me if I could work on heavy media system section as Shri Gureja and Shri Chawra were absent. I told Mr. Athalye that since heavy media is an important link in the washery and any thing wrong with it may hamper the working of the washery and since I had no knowledge of the working it would be better if I am not tried there particularly when the working of washery is in a mess, lest anything happens wrong and I am unnecessarily harassed later on. In spite of my above frank submission I am surprised to receive the charge-sheet under reference and particularly to note its false contents. On my submission as above Mr. Athalye was quite convinced of my difficulty and therefore he never directed or pressed me to work on heavy media till I was laid off. It is therefore incorrect to say that there has been insubordination or disobedience on my part of any lawful or reasonable orders. Lastly I would like to make it clear that the working of the washery has again gone into a mess due to ill superintendence and untimed method of working."

Maity had joined the concern in December 1959 as a helper and was confirmed after 6 months and from August 1961 he was promoted as a machinery attendant; he had studied upto X standard. In his evidence before the Inquiring Officer he took the stand that he had said that he was prepared to work on heavy media provided a written undertaking was given to him that in the event of any jamming he would not be held responsible for it. This was denied by Shri Bakshi. He admitted having worked on pumping of heavy media system before 20-2-63; in fact he had worked the pumping of heavy media as late as 18-2-63. Shri Rambharose who is the engine wright in the Colliery has given evidence to the effect that on 20-2-63 at about 8.15 a.m. Shri Athalye had instructed Maity and Jafar Ali that as two other workers were absent they should work on heavy media and should not work on drum filter. But both Maity and Jafar Ali refused to carry out the instructions stating that instructions should be given to them in writing. On this Shri Athalye sent a written memo stating that they should work on heavy media; this memo was brought back to Shri Athalye as the workers had refused to accept the same saying that it was in English and they would accept the same in Hindi. While this was going on Maity and Jafar Ali started the drum filter contrary to instructions, and Shri Athalye instructed Rambharose to stop the drum filter from being worked. Thereafter a Hindi translation of the memo was made out and clerk took the same to Jafar Ali and read out and explained the contents of it to Jafar Ali and he signed the peon book. When the note and the peon book were presented to Maity he refused to accept the memo or to acknowledge it, and at the same time Jafar Ali asked to be shown the peon book, when he scored off his signature in the peon book stating that the memo should be given to him in Urdu.

It is apparent from the evidence which is recorded that Maity and Jafar Ali had made up their minds to make it impossible for the washery to work on that day, and in fact the washery was idle because they refuse to work on heavy media, and there was a loss of production of some 80 tonnes. There is positive evidence that Maity had worked on heavy media before, and in fact all the machinery attendants were familiar with several machines as that was part of their training and work. Maity did not appear before me. The Inquiring Officer has found that Maity had received specific instructions both verbal and in writing to work on heavy media on that day, that as a result of his refusal the washery could not be run on that day causing loss to the concern, that Maity contrary to instructions worked the drum filter, that Maity refused to accept the official memo. I have no doubt in my mind that the inquiry does not suffer from any infirmity, and no interference is called for. The punishment was not excessive having regard to the nature of the refusal and its timing to coincide with the troubles in the washery.

The decision of the management is justified and no relief is indicated.  
*Case of Jafar Ali*

The next case to be considered is that of Jafar Ali, the machinery attendant who was charge-sheeted by charge-sheet No. A-7-1383 of 20/21-2-63. The charge-sheet as follows:—



"It is reported that on 20-2-63 before the start of your shift, that is 8 a.m. to 4 p.m. you were instructed by the Washery Superintendent, Shri Athalye, to work on heavy media system instead of on drum filter as Shri P. C. Gureja and Shri Chawra were on sick list. You asked from him these instructions in writing, and when Shri Athalye sent a memo to this effect you wanted its Hindi translation. When it was brought to you in Hindi translation even then you refused to accept it saying that you did not know Hindi and the memo should be in Urdu. At this Shri Rambharose explained to you the contents of the memo, that you were required to work on heavy media system instead of drum filter which would remain stopped that day. Your attitude was adamant and you refused to accept the memo and instead started the drum filter along with R. N. Maity, when it had been made sufficiently clear to you that it would not be operated today. At this again you were told that it was not to be operated and then only it was stopped. You also refused to work on heavy media. Since the heavy media is an important link in the washery and without its operation the washery cannot be operated, we had to lay off you and some other workers at the washery. Due to this the washery could not work on 20-2-63 during the first shift. The Personnel Officer Shri Bakshi also spoke to you on 20-2-63 at 9.30 a.m. and explained to you that you should not behave in this unwarranted manner but to him also you replied in the same way and told him that you would not work on heavy media system."

Jafar Ali gave his explanation on 22-2-63. He said that according to the circular regarding two shift working he was supposed to work on filter and accordingly he commenced working on the drum filter from 8 a.m. Suddenly at 9 a.m. he was called by Mr. Athalye who requested him if he could work on heavy media section as Gureja and Chawra were absent. On this recollected an instance in 1961 when at the request of Rama Murti he had tried to work on heavy media system along with heavy media operators. At that time without any fault on his part but merely due to mechanical reasons the system got jammed and he was unnecessarily charge-sheeted. With that old story and fear in mind he told Shri Athalye that he had already been allotted quite a suitable job and it would be better if he was not tried on heavy media section particularly when the working of the washery was in a mess, lest anything wrong happens and he is unnecessarily harassed. Mr. Athalye was convinced of his (Jafar Ali's) difficulties and he therefore never directed or pressed Jafar Ali to operate the heavy media till the lay off. It was therefore incorrect to say that there had been any insubordination or disobedience on his part.

It is significant to observe that there is no defence to the effect that he did not know how to work the heavy media.

The inquiry was duly held and Jafar Ali said that he stood by all that has been stated in his explanation. At the inquiry Shri Athalye, the Washery Superintendent, was examined. His evidence is in line with the charge-sheet. He says that contrary to instructions given to them Jafar Ali and Maity had started the drum filter, and they did not stop it until Rambharose personally went and ordered them to do so. The Washery Superintendent says that since Jafar Ali and Maity refused to work along with S. K. Bannarji the heavy media, and as there was no other person who could work on heavy media, the washery could not be run on that day. When cross-examined by Jafar Ali the Washery Superintendent said it was not true that his orders not to work the drum filter were given only after the drum filter had started; after checking the attendance card Jafar Ali along with others were standing at the washery entrance and at that time Shri Athalye personally instructed Jafar Ali to work on heavy media and not to work the drum filter. The Washery Superintendent denied having been told by Jafar Ali that in the past he had been on a suspended which he was operating heavy media and also because a lot of magnetics had over-flowed on 13-2-63 and as such it was not possible to work on heavy media and also because he was not given a chance since 1961. The Washery Superintendent said that he had not heard any such things said on that day. Shri Bakshi also was examined to the tender of letters, and he says that Jafar Ali signed the letter book and he told him to go along with him to Maity as the memo was addressed to Maity also. They met Maity near the compressor floor. Shri Rambharose explained the contents of the memo to Maity and asked him to accept it, but Maity refused to do so. At this stage Jafar Ali asked to be shown the peon book and he scored out his signature and returned the memo to Rambharose stating that he could not understand Hindi and that the memo should be given to him in Urdu. Shri Bakshi, the Personnel Officer, has given his account as to what happened on that day. At the end of the examination of these witnesses the Inquiring Officer inquired from Jafar Ali whether he wished to cross-examine the witness Shri Bakshi to which he replied in the negative. Thus the examination of witnesses

in support of the charge-sheet was over and Jafar Ali was called upon to produce his witnesses one by one. He said that he had no witness to examine. He was then asked to give his statement to which he replied that he did not wish to give any further statement and his explanation of 22-2-63 should be taken as his statement for the purposes of the inquiry. Thereupon the Inquiring Officer asked him one question—whether he could produce the charge-sheet concerning himself when he had worked on heavy media in the past to which he replied:

"No. I cannot produce it. It would be lying somewhere in the Union's office."

The Inquiring Officer in his Report of 31-3-63 has found that on 20-2-63 specific instructions both verbal and written from the Departmental Head called upon Jafar Ali to work on heavy media with S. K. Bannerji, that such instructions were reasonable and lawful, as two others had not turned up for duty, and as a result of the refusal to carry out orders the washery could not be run on that day and the workers had to be laid off, that not content with refusing to work the heavy media, Jafar Ali contrary to verbal and written instructions started the drum filter; he also refused to take the official memo on both the occasions showing wilful insubordination. The Inquiring Officer recommended the punishment of dismissal.

Jafar Ali gave evidence before me and he also filed a written statement which is marked Ex. 106L. He complains that he had asked for permission to have Shri Karkare to be present at the inquiry to explain the proceedings which were being conducted in English; except for Shri Rambharose all the other witnesses gave their evidence in English. But the Inquiring Officer did not allow Shri Karkare to be present at inquiry. He further alleges that the proceedings were not read over and explained to him in Hindi, and he therefore refused to sign the proceedings. Furthermore he alleges that his witness Jagannath Pundalikrao was not examined by the Inquiring Officer in spite of his having been produced, on the ground that the same person had been cited as a witness by Shri Rambharose. He further alleges that although Shri Bakshi was shown in the record as having given evidence, Shri Bakshi was in fact never examined, at least in his presence.

It has been the practice in this concern to allow a workman to be aided at the inquiry by another workman of his own department. Karkare was not a workman of the same department. Jafar Ali has given evidence before me and I am not prepared to accept his story that the proceedings were not read over and explained to him in Hindi and therefore he refused to sign the proceedings. Mr. Sumariwalla (no longer with the concern) was an officer belonging to the Head Office, and he was sent for some of these inquiries to Nowrozabad. He has conducted this inquiry, like many others, with fairness and care; and I may add that it is very common to hear complaints that the proceedings were not read over and explained in Hindi to cover up the equally usual refusal to sign at the end of the proceedings. I have no doubt that the proceedings were read over and explained in Hindi.

The charge of Jafar Ali that his witness Jagannath Pundalikrao was not examined by the Inquiring Officer although he was produced before him is untenable. If there was any truth in that charge the Union would have taken up the matter at once. Neither before the Industrial Tribunal at Dhanbad nor before the Industrial Tribunal at Bombay where approval applications had been made did Jafar Ali make any reference to the alleged refusal to examine a witness of his. Nor was any allegation of this sort made when the application under section 33A was filed. Jafar Ali says that he told his Union about it, but it is strange that the Union should have remained silent about it. The charge of Jagannath Pundalikrao's evidence being refused by the Inquiring Officer must be rejected.

The last allegation is that Shri Bakshi's evidence seems to have been recorded but he Jafar Ali did not see Shri Bakshi giving evidence, and he suggests that the evidence of Shri Bakshi has been introduced behind his back. This is a serious charge to make and this point has not been raised before, and there is nothing to support it and I have no hesitation in rejecting it.

The Report of the Inquiring Officer went to the Manager who directed that Jafar Ali should be dismissed. There is however, in this concern a rule that before any dismissal order is passed the approval of the Agent must be obtained, and when that approval was given and the dismissal order issued.

I have carefully perused the record and considered the evidence and I hold that the dismissal of Jafar Ali was justified and that no relief is indicated.

*The case of Shri Ramadhar Nigam*

Nigam was charge sheeted under three separate charges No. NCA-7/1436 of 22nd February 1963, NCA-7/1520 of 24th March 1963 and NCA-7/1747 of 17th April 1963. They are all concerned with his refusal to work on the heavy media. In answer to charge sheet No. 1436 he says that there has been increase in the workload and unreasonable change in the service conditions and that efforts are being made by the management to implicate the workers in false and fabricated incidents. That previously three machinery attendants and one mazdoor used to operate this section. As regards the other two charge sheets he replied in more or less the same terms. But all the charge sheets are not identical.

2. In charge sheet No. 1436 it says "It is reported that on 20th February 1963 at the start of the 2nd shift you were instructed to work the heavy media pump but you refused to operate it. In spite of persuasion you remained adamant and did not agree to operate the heavy media pump. Due to this the washery could not be started at all for the second shift on 20th February 1963. As a result of this attitude you and some of the workers had to be laid off and there was loss of coal washing to the tune of 900 tonnes. As regards charge sheet No. 1520 it states: It is reported on 23rd February 1963 in the second shift when you were on duty you were instructed to operate the heavy media; you wanted instructions in writing that you would be put on the heavy media pump permanently and not transfer at a later stage. To your insistence that you should be given instructions in writing a memo was issued to you by the Washery Superintendent but you remained adamant in your behaviour and did not operate the heavy media. Furthermore the Manager, Senior Assistant Manager and Personnel Officer had reached and persuaded you but you remained adamant. Furthermore when other workers were persuaded to go inside the washery to work you immediately followed them and instigated and incited them to refuse to work. The third charge sheet 1747 dated 4th March 1963 says: "It is reported on 23rd March 1963 while you were on duty in the second shift you refused to operate the heavy media and in spite of persuasion you remained adamant. However when the other workers of the shift agreed to go to their places of duty you became unruly and drove the workers out of the washery superintendent's office asking the workers not to obey the advice of the concerned officers. The concerned workers were again persuaded by the Officer to go inside the washery at their respective work place but again you incited the workers by using improper language."

3. The plea of the workman that in the second shift the heavy media section was understaffed has no substance. It is relevant to observe that there was an agreement dated 29th June 1962 arrived at before the Regional Labour Commissioner, Jabalpur. Prior to that agreement three workmen including Nigam were declared surplus due to two product washing. These three workers were therefore transferred to some other departments. However by this agreement Nigam was taken back into the washery, but it was not stated as he claims that he was to work only on clean coal belt. He was put on to the clean coal belt because another mazdoor who was working there was transferred to be a trammer. Nigam last worked on heavy media on 17th and 18th February 1963.

4. Enquiries on the three charges were carefully conducted and all the evidence was recorded. The report of the Enquiring Officer is dated 19th April 1963. He held that it was clearly established that Nigam refused to carry out the duties of heavy media pump attendant on 20th February 1963 in the second shift although the order was reasonable and lawful. As regards the charges Nos. 1520 and 1747 Nigam had admitted in his answer to the Enquiring Officer's questions that he had not complied with the instructions of the Supervisors to work on the heavy media pump, and that Nigam admittedly took part in the incident of 23rd February 1963 and was guilty of wilful insubordination and disregard of reasonable and lawful orders of superiors. The Enquiring Officer having found Nigam guilty recommended that Nigam should be dismissed from the company's service.

5. The Manager passed order to the effect that as far as the first enquiry was concerned he agreed with the findings and recommendations of the Enquiring Officer and sent it for the approval of the Agent. As regards the second enquiry on the two charge sheets, the Manager was a witness and so he refused to make any comments thereon, and ordered that the papers in connection with the enquiry be forwarded to the Agent for orders.

6. The Agent passed his order on 26th April 1963 on all the three charge sheets finding Nigam guilty of the charges levelled against him, and the charges being of a grave nature he gave his approval to his dismissal from the company's service.

7. I find that the enquiry has been carefully conducted and neither the enquiry nor the order suffer from any infirmity. There was abundant evidence to prove the charges. The orders of dismissal were justified. No relief is indicated.

*The case of Shri K. P. Gupta under charge sheet No. NC/A-7/1518 of 23rd/24th February 1963*

A charge sheet was issued to K. P. Gupta on 23/24th February 1963, stating: 'It is reported that on 20th February 1963 in the first shift, i.e. 8 a.m. to 4 p.m. when you were on duty, you were instructed by Shri Rambharose and Washery Superintendent Shri Athalye to work on the Ball Mill, but you put a condition that you would run Ball Mill only if you were provided the old helper who was working with you previously and in absence of that you would not operate it. A helper had already been provided to you and in spite of persuasion you did not operate the Ball Mill throughout the shift saying that he was a new man and you would not work along with him. As a result the Ball Mill remained idle throughout the first shift on 20th February 1963 and there was no grinding of magnetite. Earlier on 18th February 1963 when you were on duty in the first shift, you were called upon to run the Ball Mill at 12.30 p.m. as the washery was jammed and you did not have any work on the machinery on which you had been deputed to work, you had refused to operate the Ball Mill, and a letter cautioning you against the refusal to work was given under our letter No. NC/A-7/1384 dated 20/21st February 1963. Again on 21st February 1963 at the start of the first shift you were instructed to work on the Ball Mill with the helper provided to you, but your attitude was similar to that of 20th February 1963 and you did not operate the Ball Mill. As an old worker of the washery you are fully aware of the importance of Magnetite in running the washery, therefore, your refusal to run the Ball Mill appears to be wilful with the intention of hindering the operation of the washery. Ultimately when all our efforts failed to persuade you, we were compelled to put another man from the Engineering department to operate it. Again on 22nd February 1963 at the start of the first shift, you were instructed by the Washery Superintendent Shri Athalye and Shri Rambharose to work on the ball mill but you remained adamant and disobeyed the instructions given to you and you did not operate the ball mill. Hence again a man from the Engineering Department was deputed for this work. This was the third time of your persistent refusal.'

2. In reply to the chargesheet Shri K. P. Gupta referred to the general charges of increase in workload and unreasonable changes in the service conditions and efforts of the management towards the workers in false and fabricated incidents, which I have already dealt with before. He goes on to say: "On the dates mentioned by you in the above chargesheet I was always prepared to run the ball mill provided I would have been given an experienced helper or at least an experienced mazdoor. My desire to have an experienced helper was merely to get better performance of the ball mill which I did not expect from the raw hands provided by you. It was no use my running the ball mill if with these raw hands I could not expect grinding of magnetite of desired fine quality. On the other hand, I would have been unnecessarily blamed for the consequences, and as such I had always requested for some experienced hand to assist me. I was never provided with the experienced hand even though at times he was laid off."

3. An enquiry was duly held and the Enquiring Officer reported: "After going through the evidence adduced it is abundantly clear that Shri K. P. Gupta, Machinery Attendant, refused to work the ball mill without any substantial reasons and his misconduct is all the more serious as he continued to refuse continuously for three days in spite of the best of persuasions. His guilt is therefore fully established in terms of company's Standing Orders contained in (16)(1). In view of the gravity of Shri K. P. Gupta's misconduct, I recommend dismissal of the workman from the company's service."

4. The Manager's orders are as follows: "I have carefully gone through the enquiry proceedings and concur with the findings and recommendations of the Enquiry Officer. Shri K. P. Gupta may be dismissed from the company's service after taking approval of the Agent."

The Agent gave his approval from Bombay.

5. When the case was before me, Shri Gupta filed a statement complaining that although he had requested the assistance of Shri Karkare to explain the proceedings as recorded in English, the request was not allowed. The next complaint was that the Enquiring Officer Shri H. S. Mathur did not conduct the enquiry impartially; that the statement of Shri Athalye the second witness of the company who deposed in English was not read over and explained to him in Hindi and therefore he could not cross-examine him; he was unable to say whether any complaint was made about this to the management; but the union had not written any letters about it. He refused to sign the proceedings because he had asked the Enquiring Officer to allow Mr. Karkare to represent him but the Enquiring Officer refused to allow it on the ground that Karkare belonged to another department. Therefore he did not sign the proceedings. The Enquiring Officer was called by the company as a witness, and he was cross-examined by Mr. Chougule.

6. I have no doubt that the findings of the Enquiring Officer are based on the evidence and are otherwise well founded. They have been accepted by the management, and the management have recommended the dismissal of Shri Gupta. The papers were finally considered by the Agent in Bombay, and after consideration thereof he gave approval for the dismissal of this workman.

7. I have no reason to doubt that the enquiry was fairly conducted, and that there is no infirmity in or about the enquiry or in the manner in which Mr. Mathur has made his report. The facts were simple. Gupta was the Machinery Attendant. As such he was familiar with the machines. He had been working the ball mill, and had a helper by name Jagannath Pundlikrao, who had been promoted to work as an acting machinery attendant on the centrifuge. Shri Gupta had been given Pathak as helper but he considered Pathak to be incompetent and therefore he refused to work the ball mill. I have already held in a previous proceeding that the ball mill at that time had a strategic significance for the workmen because it produced ground magnetite without which the washery could not work. The fact is that as a consequence of Gupta's refusal to work the ball mill the company got a man from the engineering department who had no previous experience of ball mill working and asked him to operate the ball mill with the help of the same Shri Pathak who had been allotted to work with Gupta, and the ball mill functioned perfectly, producing the right quality of ground magnetite. Therefore the suggestion that Pathak was inferior or incapable of doing his job as a helper may be safely ruled out. Furthermore according to the Washery Superintendent the helper does not do any work independently but carries out the instructions of the machinery attendant; his work is mostly of an unskilled character like cleaning the floor space and machines when idle, and he might also grease the machine. In reply to a question the Washery Superintendent said that the grinding done while Pathak was there was found satisfactory on being examined and tested in the laboratory.

8. There are no redeeming features in this case. The refusal to work the ball mill appears to be part of the general scheme to bring the washery to a halt, and the suggestion that Gupta could not run the ball mill unless he had an experienced helper better than Pathak was just an excuse to prevent the production of ground magnetite. As regards Karkare not being allowed to help the charge sheeted workman at the enquiry, that was in accordance with normal practice. I am satisfied that his attack upon the conduct of the proceedings by the Enquiring Officer are unfounded.

9. I see no infirmity in the enquiry and I hold that the charge against Shri Gupta has been well founded and that the dismissal was justified. No relief is indicated.

*The case of Syed Noor and K. K. Tiwari, Fitters*

They were complainants along with others in complaint No. CGIT No. 9 of 1963 and also in complaint No. CGIT 19 of 1963, referred to me by arbitration agreement dated 28th February 1963. Later, on 18th August 1965 the Union and the Company by their agreement referred the discharge of Syed Noor and Tiwari to me as a substantive dispute; the agreement has been published in the Gazette of India of 2nd October 1965 at pages 3284 and 3285.

These two were chargesheeted according to the chargesheet Nos 1 NCA/7-2806 dated 1st April 1963 and NCA/7-2815 of 1st April 1963, the charges being identical. The charge sheet says: "It is reported that by the company's letter No. NC/A-3/2802 dated 15th March 1963 you were transferred to workshop from

the 16th March 1963. You did not carry out the instructions. You were again informed by the company's letter No. NC/A-7/2104 dated 16th March 1963 that you have been transferred in the exigencies of company's work and in the interest of the company's work and under the Standing Orders you were liable for such transfer. You were also informed that your interests are safeguarded and that your emoluments are not affected. You were also assured that as for the benefits of the Award in the Washery case you will receive them if it is found that they are applicable to you. In spite of this you did not carry out the instructions. You were once again informed vide para 5 of company's letter No. NC/A-7/2170 dated 17/18th March 1963 to carry out the instructions. You have persistently refused to obey the reasonable and lawful orders of transfer and till the date of the issue of this chargesheet have not reported for work to the Workshop."

2. In reply to the charges the workmen, Syed Noor and Tiwari, by their letters of 1st and 4th April 1963 stated *inter-alia* as follows: "I have neither disobeyed any lawful or reasonable orders and I have not shown any insubordination towards anybody. If you go through my letter dated 15th March 1963, 16th March 1963 and 21st March 1963 and the Union's letter No. LM 293 dated 28th February 1963 and having discussed with the Union you please find that the charges levelled against me are not correct. I may also mention that unless you make enquiries in the proper manner to prove your suspicions against me or otherwise, your transfer order would not be lawful and reasonable. The transfer has been resorted to for the purpose of victimising me, humiliating and insulting me and therefore it is all the more necessary that you must mention, now in writing the reasons for my transfer and then only I will consider further steps. Merely writing that the transfer is in the exigencies of work and in the interest of the company does not satisfy me, particularly when you have a suspicion against me and also have a grudge against me. This is a slur on my service record and my character. My transfer from Washery is not for any exigencies of work. We were working in the washery quite satisfactorily and all of a sudden you developed suspicions against us and you have transferred Gangadaya and Mohd. Khan, Fitters, to the Washery, in addition to various other workers to the Washery. This means you needed more workers in the washery and therefore the transfer is not for exigencies of work but is in fact for victimising us and therefore the order is not lawful and reasonable."

3. In their letter of 16th March 1963 the two chargesheeted workmen stated as follows: We had requested you to let us know the reasons for our transfer. Before you could reply to our letters the General Secretary of our Union made this known to you and you had told him that the transfer is for security reasons; that you have reasons to suspect our activities and as such you have considered our transfer to be the best remedy. We were sorry to hear this but we may assure you that we have not taken any ill of your action. We feel that you should be fully satisfied about our bonafides and also about the present condition of the washery. As far as we are concerned, we know that we are honest and true to our work and truth will come to light. We therefore request that instead of transferring us you may put us out of job on the same terms and conditions as other Washery workers so that we may feel that we are not being treated differentially. Since the transfer is purely temporary, we may further suggest that if you cannot accede to our above request, you may grant us leave without pay till such time that you are carrying out the experiments." The company took up the position that the order was lawful and that these two had been transferred for the exigencies of the company's work and in the interest of the company and that they were liable to be so transferred under the Standing Orders. Their interests were safeguarded and the emoluments were not affected. As regards the workmen's letter of 16th March 1963 the company made its position clear: "We are very much surprised to read the contents thereof and it appears to us that the discussions which we had with the General Secretary of the Union have been either intentionally misconstrued or misrepresented. We do not wish to deal with the various mis-statements made in your above referred representation and this should not be construed as having been accepted by us. We take a serious view of your failure to report for duty as instructed and even at this stage have to advise you to carry out instructions for the reasons already explained to the General Secretary. We regret we cannot accede to your request to treat you on a par with other 16 workers of the washery. However, in case you wish to proceed on leave, you may apply for the same as per the normal procedure for grant of such leave."

4. An enquiry was duly held. The manager of the colliery, Mr. Chaturvedi gave evidence. He said that he issued orders of transfer on Syed Noor and Tiwari and they were required to report at the workshop for duty on 16th

February 1963 Tiwari said that he would cross-examine Mr. Chaturvedi on behalf of Syed Noor as well as himself. The cross-examination was confined to just the following questions and answers:—

- Q. May I know the reasons for which I and Shri Syed Noor were transferred from Washery to Workshop?  
 A. The transfers were effected due to exigencies of work.  
 Q. May I know what was this exigency?  
 A. The exigency was occasioned by various factors on account of which these transfers were ordered.  
 Q. Was our transfer to Workshop so emergent that we had to be moved out of the Washery?  
 A. Yes.  
 Q. Could we not be retained at the Washery and be still utilised for the emergent jobs?  
 A. No.

That concluded this cross-examination.

5. The chargesheeted workmen were asked to produce their evidence. They both replied that they did not wish to produce any witness. They were asked whether they would give their statements. Tiwari said that he would not like to give a separate statement other than the statements given in reply dated 1st April 1963. Syed Noor said the same. The Enquiring Officer thereupon asked Tiwari:—

- Q. Where were you before you were transferred to Washery?  
 A. I was in the Power House.  
 Q. What was the reason of your transfer to Washery?  
 A. I do not know.  
 Q. Were you given a written transfer order to go to the Washery?  
 A. I do not remember.

6. Mr. K. B. Chougule had seen the order of transfer and claimed to have discussed it with the Manager and Mr. Munsif and Ranga Rao. They are said to have told him that by retaining Tiwari and Syed Noor there was 'a risk with the washery work'. This statement was filed by Tiwari signed by him in the presence of Mr. Chougule. The workmen said they had requested the Enquiring Officer for a postponement because Mr. Chougule was out of station; they said that they had made this request during the proceedings of 22nd April 1963. They add that on 4th May 1963 the Enquiring Officer sent Shri Sardar Ali, Office Peon, to call the two of them and when they came to the Enquiring Officer at 10-30 a.m. he said that he desired to hold the enquiry at that hour instead of 3-30 p.m. which was the fixed hour of enquiry according to the company's letter. The two informed him that they were not prepared for the enquiry, but he stated that he would hold the enquiry at that hour, and started asking certain questions which were answered. Therefore Syed Noor and Tiwari say that it has been incorrectly recorded in the enquiry proceedings that they had no witness to produce. They say that witness Shri Chougule was present in the office premises at that hour. The Enquiry Officer did not ask them if they wanted to produce any witnesses. They go on to say that Mr. Chougule was their only witness and was also the most important witness whom the company refused to allow to be a witness on the ground that he was not an employee of the colliery. They maintain that their transfer was not due to the exigencies of work or a routine matter but it was effected for the purposes of fulfillment of the malicious intention of the management. That had their witness Shri Chougule been allowed to be examined the real purpose of the transfer would have come to light. I asked Tiwari why he thought that there was something personally directed against him by reason of this order of transfer and he replied: "I learnt as a result of a talk with Mr. Chougule who is the General Secretary of the Union that he had learnt that the management had a suspicion that so long as I and Syed Noor were in the washery the work of the washery would not proceed as it should and therefore I was being sent to the workshop. I had this talk with Mr. Chougule on 16th March 1963. There was nobody else present when this talk took place. I was taken aside and told this. I told Syed Noor about this talk the same evening." In ex. 24 he did not say that he preferred to go on leave because he had already made his leave application for leave on or about 20th

March 1963. "In spite of my leave application I have been given the charge-sheet on 1st April 1963 Ex. 29. I replied to the chargesheet on 1st April 1963 and I did not mention my application in that letter because I replied only to the chargesheet. It is true that after 20th March 1963 there was no mention by me in the correspondence about my leave application." Unless Mr. Chougule was examined he had nothing more to add to the evidence which he had given.

7. The Enquiring Officer was duly examined. He said that on 29th March 1963 the Manager disallowed Mr. Chougule to appear as a witness in the departmental enquiry. The Enquiring Officer did not draft the manager's letter but initialled it as it was most probably sent to him for information. Mr. Nanavati at this stage said that it seemed to be the contention of Mr. Chougule that the case of these two workmen had been prejudiced by the absence of Mr. Chougule's evidence, because of its having been disallowed at the enquiry Mr. Nanavati said that he has no objection to Mr. Chougule's giving evidence 'now' in order to put at rest the alleged prejudice. Mr. Chougule in reply said that if Mr. Nanavati agrees to the re-opening of the whole enquiry he would agree to the course suggested, subject to his rights to show that by not examining a witness cited by the workmen the enquiry is vitiated and the workers are entitled to reinstatement on that ground alone. Mr. Nanavati says that at this point the arbitrator has to decide whether there is an infirmity in the proceedings of the enquiry, and any evidence which was available for that purpose could be recorded. So far as I am concerned under the agreement of 18th August 1963 the case of these two persons has to be dealt with by me as a substantive dispute under Section 10A of the Industrial Disputes Act.

8. It is correct that Mr. Chougule, as the General Secretary of the Union, according to the letter of the management dated 29th April 1963, could not appear as a witness in the particular departmental enquiry. Whether that view was correct or not, an opportunity was given to Mr. Chougule to give evidence before me in the matter of this complaint, and he declined to do so. What evidence Mr. Chougule was in a position to give was not known to either Tiwari or Syed Noor; in fact in connection with Mr. Nanavati's question: Did Mr. Chougule or the Union disclose to you the points on which Mr. Chougule would be a relevant witness, Mr. Chougule objected to the question, and said that we were concerned with the infirmity in or about the enquiry, and if the witness had evidence to give it was not sufficient to show that the evidence was not even known to the workers concerned. The witness answered that he did not remember whether Mr. Chougule disclosed to them what evidence he was in a position to give.

9. These two workmen in effect say that they wished to call a witness who said he could give useful evidence for the particular witness happened to be the General Secretary of the Union. There is no evidence before me as to what Mr. Chaturvedi or Mr. Munsif or anybody told Mr. Chougule about the transfer; and apart from the question as to whether Mr. Chougule knew or did not know any facts relevant to the proceedings, it is a strange situation where the General Secretary of the Union wants to step forward and give evidence, without giving the charge-sheeted workmen any indication as to what the evidence will be. At the stage of approval of the application before C.G.I.T., Bombay, the company offered to take these two workmen back if they were prepared to accept the transfer orders even at that stage; but they did not accept the offer.

10. I have given careful consideration to all the facts and arguments and see no reason to hold that there has been any infirmity in or about the order of discharge which has been made. Order No. 15 of the Standing Orders states: "All workmen are liable to be transferred from one department to another or from one station to another or from one colliery to another under the same management provided such transfer does not cause any prejudice to their wages and other conditions of service and provided that reasonable notice is given of such transfer." Tiwari has admitted in his evidence that he did not refuse the transfer because his emoluments would be affected or because his service conditions would be changed. In fact he has not stated how exactly he would be adversely affected by the transfer. Apparently what these two workmen wanted was, as stated by Tiwari, that they should be laid off and allowed to punch their cards and get their wages like those 16 workers of the washery. (See Tiwari's evidence). Such a stand was totally untenable. They were not on the operational side of the washery like the 16 others who were laid off, these two were on the maintenance gang which is a different thing. And in any event what they claimed had no basis or validity.



11. These two workmen had been brought to the washery from the colliery's power house and the other from the colliery's factory at Sahabad and under the S.O. 15 they were liable to be transferred to the power house or to any other place of work provided that such transfer did not cause any prejudice to their wages and other conditions of service and provided that reasonable notice was given of such transfer. These conditions had been fulfilled. Transfer under S.O. 15 is a definite condition of service, and nothing that the company has said or done indicates that there was any intention on the part of the company to harm these workmen in any way nor is there any evidence to support the charge. Their discharge was due to their refusal to obey orders given under the Standing Orders, and if they have suffered in the process they have only themselves to blame for it. They were given an opportunity to examine Mr. Chougule as a witness before me, which they refused to do, (through Mr. Chougule) even though they had not put a single question to Mr. Chaturvedi regarding what Mr. Chougule knew or was prepared to say as a witness.

12. If the company had to justify every transfer under Standing Order 15 an impossible situation would arise. Standing Order 15 has been designed to give the management powers of transfer to meet the exigencies and requirements of disciplined work, and any encroachment on the free exercise of that power would be unjustified, if for no other reason because the Standing Order itself provides the requisite safeguards.

13. I do not find any mala fide on the part of the management in or about the transfer of these two workmen from washery to workshop. The discharges are justified, and I see no reason to interfere with the orders made, and the workmen are not entitled to any relief. This order disposes of the substantive dispute as well as the complaints.

This award is made and signed by the Arbitrator this 9th day of June 1966.

[No. 5/3/65-LRII.]

*New Delhi, the 24th June 1966*

**S.O. 1963.**—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 508, dated the 8th February 1962; namely:—

In the Table annexed to the said notification, serial Nos. 33, 34, 35, 36 and 37 in column 1 and the entries relating thereto in columns 2 and 3 shall be omitted.

[No. F. 26/8/66-LRI.]

### ORDERS

*New Delhi, the 21st June 1966*

**S.O. 1964.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Phalodi Quarry of Messrs. Jaipur Udyog Limited, Sawaimadhopur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. S. Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

(1) Whether Shri S. L. Sokhanda, Cashier, Phalodi Quarry of Messrs. Jaipur Udyog Limited, Sawaimadhopur is entitled to the following grades for the period mentioned against them:—

(1) From 11th April, 1964 to 31st December, 1964: Rs. 110—12—170—14—240—EB—15—360.

(2) From 1st January, 1965 onwards: Rs. 120—13—185—15—260—EB—15—320—20—400 ?

{2) If not, to what relief is he entitled ?

[No. 36/8/66-LRI.]

**S.O. 1965.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs. Burn & Company Limited, Salem, Messrs. Dalmia Magnesite Corporation, Salem and Messrs. Salem Magnesite (Private) Limited, Salem and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri O. V. Balaswami shall be the Presiding Officer, with headquarters at Madras and refer the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

1. Whether the existing classifications of workmen employed directly in the workshops attached to magnesite mines of Messrs. Burn & Company Limited, Messrs. Salem Magnesite (Private) Limited and Messrs. Dalmia Magnesite Corporation, Salem are proper? If not, what should be their reasonable classifications?
2. (i) Whether the basic wages and dearness allowance paid to the skilled, semi-skilled and unskilled workmen employed directly in the mines and the workshops attached to the magnesite mines of Messrs. Burn & Company Limited, Messrs. Salem Magnesite (Private) Limited and Messrs. Dalmia Magnesite Corporation, Salem are adequate?
- (ii) If not, to what extent and from what date, should they be revised, whether with provision for annual increments in their basic wages and whether the dearness allowance can be linked with the cost of living indices?
3. Whether any part of the dearness allowance should merge with the basic wages and, if so, what should be its quantum? What method should be adopted to allminate the present anomalous practice by which the dearness allowance paid to the same category of workmen varies from person to person?
4. Whether the wages of the workmen should have any relation to production and, if so, what should be the norm?
5. Whether the scale of basic wages and dearness allowance of the monthly paid employees of Messrs. Burn & Company Limited, Messrs. Magnesite (Private) Limited, and Messrs. Dalmia Magnesite Corporation, Salem should be revised? If so, to what extent, indicating the manner of fitment and from what date?

[No. F.35/9/66-LRI.]

*New Delhi, the 25th June 1966*

**S.O. 1966.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Saltore Colliery of Messrs Burrakar Coal Company Limited, Post Office Sijua, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

1. Whether the action of the management of the Saltore Colliery of Messrs Burrakar Coal Company Limited, in terminating the services of Sarvshri Lamboo Kamar, Blacksmith, and Mahabir Saw, Pump Khalasi, with effect from the 29th October, 1965 and 1st December, 1965 respectively was justified?
2. If not, to what relief are the two workmen entitled?

[No. 6/45/66-LRII.]

*New Delhi, the 27th June 1966*

**S.O. 1967.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Bikaner Gypsums Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Jawan Singh Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

**SCHEDULE**

- (i) Whether the prevalent contract system for raising, loading, transportation, lump breaking and adjustment of wagons in the gypsum mining industry of Messrs Bikaner Gypsums Limited, Bikaner, is justified?
- (ii) If so, what remedial measures should be taken to ensure fair wages and other conditions of service to the workmen employed by the contractors?
- (iii) If not, what remedial measures should be taken to regulate the service conditions including wages of the workmen referred to above.

[No. F. 24/26/66-LRI.]

H. C. MANGHANI, Under Secy.

**(Department of Labour and Employment)**

*New Delhi, the 21st June 1966*

**S.O. 1968.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall come into force on the 1st day of July, 1966.

**SCHEDULE**

- (1) M/s. Sohrab Ardeshir Brokers Company (Private) Limited, Club Road, Coonoor-1 (Nilgiris).
- (2) M/s. Shibsha Instruments, D-12A, Ambathur Industrial Estate, Madras-58.
- (3) M/s. Eswaran and Sons Engineers (Private) Limited, Tiruvotthiyur, Madras-19.

[No. 8(1)/66-PFII.]

**S.O. 1969.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall be deemed to have come into force on the 1st day of January, 1966.

**SCHEDULE**

- (1) M/s. Plant Protection Products (P) Ltd., 4/90-A, Nawabpet, Nellore-2 (Andhra Pradesh).
- (2) M/s. Jayalakshmi Fertilizers, Venkatarayapuram, Tanuku, West Godavari District (Andhra Pradesh).

[No. 8(3)I/66-PF.II.]

**S.O. 1970.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall be deemed to have come into force on the 31st day of December, 1965.

#### SCHEDULE

- (1) M/s. The Sibsagar Tea Estates Ltd., 16, India Exchange Place, Calcutta.
- (2) M/s. Progressive Engineering Corporation, P.O. Hamiltonganj, District Jalpaiguri.

[No. 8(7)I/66-PF.II.]

**S.O. 1971.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Agarwalla & Sons (Machine Screws), 14, India Exchange Place, Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 31st day of March, 1965.

[No. 8(7)II/66-PF.II.]

**S.O. 1972.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as West Bengal State Council of Sports, Raj Bhavan, North East Corner Annexe, Calcutta-1 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 28th day of February, 1966.

[No. 8(7)III/66-PF.II.]

**S.O. 1973.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishments mentioned in the Schedule annexed hereto have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

This notification shall be deemed to have come into force on the 1st day of January, 1966.

#### SCHEDULE

1. M/s. Plant Protection Products (P) Ltd., 4/90-A, Nawabpet, Nellore-2 (Andhra Pradesh).
2. M/s. Jayalakshmi Fertilizers, Venkatarayapuram, Tanuku, West Godavari District (Andhra Pradesh).

[No. 8(3)I/66-PF.II.]

*New Delhi, the 22nd June 1966*

**S.O. 1974.**—Whereas Shri B. C. Gupta is no longer employed as an Inspector in the Employees' Provident Fund Organisation in the State of Mysore;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Social Welfare No. S.O. 393, dated the 31st January, 1966 published in Part II, Section 3(ii) of the Gazette of India, dated the 5th February, 1966, namely:—

In the said notification, the expressions 'B.C. Gupta' and 'Mysore' shall be omitted.

[No. 20(92)/65-PF-I.]

*New Delhi, the 25th June 1966*

**S.O. 1975.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Avdel (India) Private Ltd., 409, Himalaya House, Palton Road, Bombay-1 have agreed that the provisions of Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st January, 1966.

[No. 8/2/66/PF-II.]

**S.O. 1976.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Dynamic Industrial Undertaking Ltd., 95B Netaji Subhash Road, Bombay-2 (BR) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of February, 1966.

[No. 8/2/66/PF.II.]

**S.O. 1977.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Fouress Business Corporation, Vandekar Mansion, 443, Lamington Road, Opera House Bombay-4 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st April, 1966.

[No. 8/2/66-PF-II.]

**S.O. 1978.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as M/s. Kishore & Co., Mahadwar Road, Kolhapur-2 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of April, 1965.

[No. 8/2/66-PF-II.]

**S.O. 1979.**—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ramani Mohan Industries Private, Ltd., 158-F, Acharya Prafulla Chandra Road, Calcutta-4, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of April, 1966.

[No. 8/7/66-PF-II(i).]

DALJIT SINGH, Under Secy.

(Department of Labour & Employment)

ORDERS

*New Delhi, the 23rd June 1966*

**S.O. 1980.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab Cooperative Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. L. Gosain shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether having regard to the directions contained in the Award of the National Industrial Tribunal (Bank Disputes) Bombay, dated the 21st July, 1962, published with the notification of the Government of India, in the Ministry of Labour and Employment No. S.O. 2603, dated the 7th August, 1962, the management of the Punjab Cooperative Bank Limited is justified in not paying bonus for the years 1956, 1957, 1959, 1960 and 1961 to their workmen? If not, to what quantum of bonus are the workmen entitled for these five years?

[No. 51(48)/65-LRIV.]

*New Delhi, the 27th June 1966*

**S.O. 1981.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Malabar Group of Shipping Companies comprising (1) Malabar Steamship Company Limited, Cochin (2) Messrs New Dholera Steamships Limited, Cochin (3) The National Steamship Company Ltd., Cochin-2 (4) Messrs New Dholera Shipping and Trading Company Limited, Cochin-2, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the workman for the revision of the existing leave facilities is justified? If so, to what extent and from what date?

[No. 28(86)/65-LRIV.]

A. L. HANDA, Under Secy.

**(Department of Labour & Employment)***New Delhi, the 21st June 1966*

**S.O. 1982.**—The following draft of a scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published, as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd July, 1966.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, in the second proviso to clause 6, for the words 'one month' appearing at the end, the words 'three months' shall be substituted.

[No. 625/2/66-Fac.]

**S.O. 1983.**—The following draft of a scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published, as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd July, 1966.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956, in the second proviso to clause, 6, for the words 'one month' appearing at the end, the words 'three months' shall be substituted.

[No. 625/2/66-Fac.]

**S.O. 1984.**—The following draft of a scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published, as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 22nd July, 1966.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

*Draft Scheme*

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, in the second proviso to clause, 6, for the words 'one month' appearing at the end, the words 'three months' shall be substituted.

[No. 625/2/66-Fac.]

*New Delhi, the 27th June 1966*

**S.O. 1985.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956,—
  - (a) except in sub-clause (e) of clause 3 and clauses 6, 8 and 10, for the words "Executive Officer" wherever they occur, the words "Deputy Chairman" shall be substituted;
  - (b) for sub-clause (e) of clause 3, the following sub-clause shall be substituted, namely:—
 

"(e) 'Deputy Chairman' means the Deputy Chairman of the Dock Labour Board";
  - (c) for clause 6, the following clause shall be substituted, namely:—
 

"6. Personnel officer and other staff.—The Board may appoint a Personnel Officer and such other staff, and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit;

Provided that no post the maximum salary of which exclusive of allowances is rupees six hundred and above per mensem shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than one month.";
  - (d) in sub-clause (k) of clause 8, the words "the Executive Officer and" shall be omitted;
  - (e) for clause 10, the following clause shall be substituted, namely:—
 

"10. Responsibilities and duties of the Deputy Chairman.—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

    - (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 45;
    - (b) function as Chairman of Committees of the Board to which he may be nominated a member;
    - (c) preside over the meetings of the Board in the absence of the Chairman;
    - (d) carry out the functions of the Administrative Body under clause 11, if he is so appointed under clause 5 or if there is no Administrative Body appointed under clause 5;
    - (e) exercise such other functions as are delegated to him in writing by the Chairman."

...

[No. 528/171/65-Fac. 1.]

**S.O. 1986.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1966.
2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, for the words "Executive Officer" wherever they occur, the words "Deputy Chairman" shall be substituted.

[No. 528/171/65-Fac. 5.]

**S.O. 1987.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1966.
2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959,—
  - (a) except in sub-clause (1) of clause 3 and clauses 6, 8 and 10, for the words "Executive Officer" wherever they occur, the words "Deputy Chairman" shall be substituted;



(b) in clause 3,—

(i) after sub-clause (e), the following sub-clause shall be inserted, namely:—

“(ee) ‘Deputy Chairman’ means the Deputy Chairman of the Dock Labour Board;”

(ii) clause (i) shall be omitted;

(c) for clause 6, the following clause shall be substituted, namely:—

“6. *Personnel Officer and other staff.*—The Board may appoint a Personnel officer and such other staff, and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:—

Provided that no post the maximum salary of which exclusive of allowances is rupees six hundred and above per mensem shall be created and no appointment to such post shall be made, by the Board except with the previous approval of the Central Government.

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than one month.”;

(d) In sub-clause (k) of clause 8, the words “the Executive Officer and” shall be omitted;

(e) for clause 10, the following clause shall be substituted, namely:—

“10. *Responsibilities and duties of the Deputy Chairman.*—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

(a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 45;

(b) function as Chairman of Committees of the Board to which he may be nominated a member;

(c) preside over the meetings of the Board in the absence of the Chairman;

(d) carry out the functions of the Administrative Body under clause 11, if he is so appointed under clause 5 or if there is no Administrative Body appointed under clause 5;

(e) exercise such other functions as are delegated to him in writing by the Chairman.”

[No. 528/171/65-Fac. 2.]

**S.O. 1988.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, the same having been previously published as required by the said sub-section namely:—

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965,—

(a) except in sub-clause (i) of clause 3 and in clauses 6 and 11, for the words “Executive Officer” wherever they occur, the words “Deputy Chairman” shall be substituted;

(b) In clause 3,—

(i) after sub-clause (e), the following sub-clause shall be inserted, namely:—

“(ee) ‘Deputy Chairman’ means the Deputy Chairman of the Board;”;

(ii) sub-clause (i) shall be omitted;

(c) for clause 6, the following clause shall be substituted, namely:—

“6. *Personnel officer and other staff.*—The Board may appoint a Personnel Officer and such other staff, and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowances is rupees six hundred and above per mensem shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than one month.”;

(d) for clause 11, the following clause shall be substituted, namely:—

“11. *Responsibilities and duties of the Deputy Chairman.*—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

- (a) discharge all function relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 46;
- (b) function as Chairman of Committees of the Board to which he may be nominated a member;
- (c) preside over the meetings of the Board in the absence of the Chairman;
- (d) carry out the functions of the Administrative Body under clause 12, if he is so appointed under clause 5 or if there is no Administrative Body appointed under clause 5;
- (e) exercise such other functions as are delegated to him in writing by the Chairman.”.
- (f) in clause 46(1)(i), for the words “The officer shall consider”, the words “The Personnel Officer shall consider” shall be substituted.

[No. 528/171/65-Fao.3.]

K. D. HAJELA, Under Secy.

#### (Department of Labour & Employment)

*New Delhi, the 22nd June 1966*

**S.O. 1989.**—In exercise of the powers conferred by sub-section 1 of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 531, dated the 2nd March, 1961, namely:—

In the said notification the following entry shall be added at the end namely:—

“(88) Shri R. C. Choudhary”.

[No. 8(39)66-MI.]

*New Delhi, the 24th June 1966*

**S.O. 1990.**—In pursuance of rule 2(b) of the Coal Mines Pit-head Bath Rules, 1959 and in supersession of the notification of the Government of India in the Ministry of Labour & Employment No. S.O. 981 dated 10th March 1964, the Central Government hereby appoints Shri A. P. Connolly, Deputy Coal Mines Labour Welfare Commissioner, to perform all the functions of a competent authority under the said rules.

[No. 1/7/66-M-II.]

R. C. SAKSENA, Under Secy.

#### DEPARTMENT OF REHABILITATION

(Office of the Chief Settlement Commissioner)

*New Delhi, the 27th June 1966*

**S.O. 1991.**—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri Ajit Singh Bhutani in the Office of the Regional Settlement Commissioner, Jaipur as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the forenoon of the 15th June, 1966.

[No. 8/80/AGZ/66.]

A. G. VASWANI,

Settlement Commissioner(A) & Ex-Officio Under Secy.

## MINISTRY OF INDUSTRY

(Indian Standards Institution)

New Delhi, the 17th June 1966

**S.O.1992.**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed have been established during the period of 16 to 31 May 1966.

## THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standard, if any, superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1	IS:178-1965 Specification for cotton twills ( <i>revised</i> ).	IS:178-1951 Specification for cotton twills ( <i>tentative</i> ).	This standard prescribes constructional details and other particulars of 3 varieties of cotton twills, bleached or dyed. (Price Rs. 2.00)
2	IS:180-1965 Specification for cotton sheetings ( <i>revised</i> ).	IS:180-1951 Specification for cotton sheetings ( <i>tentative</i> ).	This standard prescribes constructional details and other particulars of cotton sheetings, scoured, bleached or dyed. (Price Rs. 2.00).
3	IS:186-1965 specification for mulls ( <i>revised</i> ).	IS:186-1951 Specification for cotton mulls and nainsook ( <i>tentative</i> ).	This standard prescribes constructional details and other particulars of mulls, bleached. (Price Rs. 2.00).
4	IS:188-1965 Specification for cotton poplins ( <i>revised</i> ).	IS:188-1951 Specification for cotton poplins ( <i>tentative</i> ).	This standard prescribes constructional details and other particulars of two varieties of cotton poplins, bleached or dyed. (Price 2.00).
5	IS:202-1966 Specification for aluminium casting alloy ingots and castings for aircraft purposes ( <i>second revision</i> ).	IS:202-1960 Specification for aluminium alloy ingots and castings for aircraft purposes ( <i>revised</i> ).	This standard covers the requirements for aluminium base alloy ingots and castings for aircraft purposes. (Price Rs. 2.00).
6	IS:909-1965 Specification for underground fire hydrant, sluice-valve type.	IS:1909-1958 Specification for underground, hydrant sluice-valve type.	This standard lays down the requirements regarding materials, shape, dimensions and tests of underground hydrant, sluice-valve type. (Price Rs. 2.00).

1	2	3	4
7	IS:2899-1965 Method for determination of percentage of medullated fibres in wool.	..	This standard prescribes a method for determining the percentage of medullated fibres and the percentage of coarsely medullated fibres in wool. (Price Rs. 1.50).
8	IS:2972-(Part III)-1965 Specification for textile motors Part III spinning frame motors.	..	This specification applies to totally enclosed fan cooled 3-phase squirrel cage induction motors required for driving textile spinning frames. The output ratings of these motors are from 3.7 kw to 15 kw. (Price Rs. 1.50)
9	IS:3054-1965 Method for brinell hardness test for copper and copper alloys.	..	This standard prescribes the method for conducting brinell hardness test on copper alloys. (Price Rs. 1.00)
10	IS:3245-1965 Specification for canned peas.	..	This standard prescribes the requirements for peas ( <i>Pisum sativum</i> L.) canned in brine. (Price Rs. 3.50).
11	IS-3246-1965 Specification for canned okra ( <i>bhindi</i> ).	..	This standard prescribes the requirements for okra ( <i>Bhindi</i> ) [ <i>Abelmoschus esculentus</i> (L.) Moench] canned in brine. (Price Rs. 3.50).
12	IS-3248-1965 Specification for canned tomatoes.	..	This standard prescribes the requirements for canned tomatoes ( <i>Lycopersicon esculentum</i> Mill.). (Price Rs. 3.50.)
13	IS:3289-1965 Tests and general requirements for audio frequency transformers and chokes.	(i) IS:592-1954 Specification for audio output transformers for radio receivers amplifiers, small transmitters and similar other purposes and (ii) IS-1037 Specification for general purpose low frequency chokes.	This standard lays down the methods of test and general requirements for low-power, audio frequency transformers with two or more windings with maximum input wattage of 200 Watts intended for use in electronic equipment such as radio receivers, audio amplifiers, small transmitters and similar other devices. It also covers audio frequency chokes used in electronic equipment. (Price Rs. 4.00)
14	IS:3318-1965 General requirements for surgical scalpels and knives.	..	This standard covers the general requirements for different kinds of scalpels and knives used in surgical work. (Price Rs. 1.00)

1	2	3	4
15	IS:3374-1965 Specification for preformed galvanized steel wire ropes for aircraft controls.	..	This standard covers pre-formed galvanized wire ropes of 7x7, and 4x9 constructions used in aircraft flying control systems. (Price Rs. 2.50).
16	IS:3376-1965 Specification for groundnut seeds.	..	This standard prescribes the requirements for groundnut seeds ( <i>Arachis hypogaea</i> L.). (Price Re 1.00)
17	IS:3377-1965 Specification for sesamum seeds.	..	This standard prescribes the requirements for sesamum seeds ( <i>Sesamum orientale</i> L.) (Price Re. 1.00).
18	IS:3378-1965 Specification for castor seeds.	..	This standard prescribes the requirements for castor seeds ( <i>Ricinus communis</i> L.) (Price Re 1.00).
19	IS:3381-1965 Specification for cast vertical bollards with and without lugs.	..	This standard specifies the material and dimensions for cast vertical bollards with and without lugs (Price Rs. 2.00).
20	IS:3404-1966 Specification for ladies bicycle frames.	..	This standard covers the requirements for frames suitable for being fitted in popular sizes of ladies bicycles in use in the country. (Price Rs. 1.50)
21	IS:3411-1966 Specification for stainless steel cooking utensils.	..	This standard lays down the requirements for <i>Degchies</i> (normal and deep type), frying-pans, frying bowls ( <i>Kadahis</i> ), stew-pans and saucepans made of stainless steel. (Price Rs. 2.50).
22	IS:3426-1966 Method for determination of colour fastness of textile materials to rubbing with organic solvents.	..	This standard prescribes a method for determination of colour fastness of textile materials to the combined action of rubbing and of organic solvents used in spotting carried out by hand. (Price Re. 1.00).
23	IS-3429-1966 Method for determination of solubility of wool in alkali.	..	This standard prescribes a method for determining the solubility of wool in alkali applicable to all-wool textiles in any form such as fibre, yarn and fabrics. (Price Rs. 1.50).
24	IS:3430-1966 Method of determination of solubility of wool in ureabisulphite solution.	..	This standard prescribes a method for determining the solubility of wool in urea-bisulphite solution and is applicable to all-wool textiles in any form, such as fibre, yarn or fabrics. (Price Re. 1.50).

Copies of these Indian Standards are available, for sale with the India Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

New Delhi, the 23rd June 1966

S.O. 1993.—The Certification Marks licences, details of which are given hereafter, have lapsed or their renewal deferred :—

Sl. No.	Licence No. and Date	Licensee's Name and Address	Article and the Indian Standard Number	Gazette Notification Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-533 30-4-1963	Brushware Ltd. M.G. Road, Kanpur (U.P.)	Brushes, paint and varnishes, flat—I S : 384—1964	S.O. 1383 18.5.1963	Lapsed after 31-5-1966
2.	CM/L-537 9-5-1963	Meetropolitan Enterprises Pvt. Ltd., 28 Barrackpore Trunk Road, Calcutta-2.	Electric ceiling fans with regulators, 8000 mm and 1200 mm sweep, single phase ac, capacitor type, 220/230 volts—IS : 374—1960	S.O. 1654 15.6.1963	Lapsed after 31-5-1966
3.	CM/L-659 29-4-1954	The Pilot Production-cum-Training Centre (Fractional Horse Power Motor Unit), University of Roorkee, Roorkee (U.P.).	Small ac and universal electric motors, with class 'A' insulations, $\frac{1}{2}$ hp, single phase, capacitor start—IS : 996—1959	S.O. 1676 16.5.1964	Deferred after 31-5-1966
4.	CM/L-1066 14-5-1965	Hanuman Eng. Works, Industrial Area, Aishbagh, Lucknow.	Structural steel (standard quality) of the following sections only : (a) M.S. rounds up to 16 mm dia and over 28 mm dia (b) M. S. squares up to 14 mm sq and over 28 mm sq. (c) M. S. angles, flats etc., where the cross-sectional area of the sample does not exceed 200 sq mm—IS : 226—1962.	S.O. 2132 3.7.1965	Deferred after 31-5-1966

5. CM/L-1067 14-5-1965 Hanuman Engg. Works, Industrial Area, Aishbagh, Lucknow Structural steel (ordinary quality) of the following sections only : S.O. 2132 3-7-1965 Deferred after 31-5-1966
- (a) M. S. rounds up to 16 mm dia and over 28 mm dia
  - (b) M. S. squares up to 14 mm sq and over 28 mm sq.
  - (c) M. S. angles, flats, etc., where the cross-sectional area of the sample does not exceed 200 sq mm—IS:1977—1962
6. CM/L-1068 18-5-1965 Bhagsons Paint Industries (India), 16-A DLF, Industrial Area, Najafgarh Road, New Delhi-15 Varnish, finishing, interior—IS : 337—1952 S.O. 2132 3-7-1965 Deferred after 31-5-1966

[No. MD/33 : 16/C]

D. V. KARMAKAR,

Deputy Director General (Marks).

